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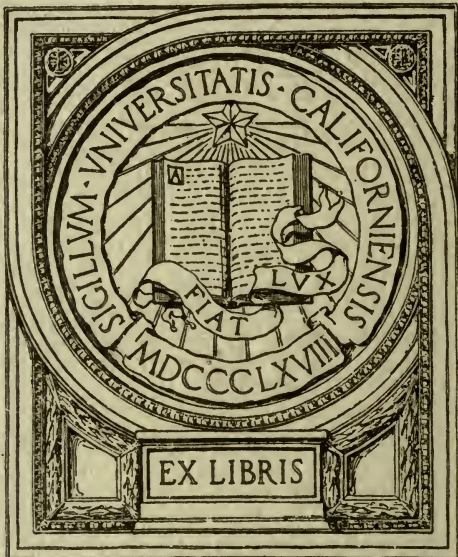


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ELECTION LAW

OF

INDIANA

(In Force Sept. 1, 1906)

WITH

INSTRUCTIONS TO VOTERS AND ELECTION OFFICERS

By Authority of the State Board of Election
Commissioners for 1906

INDIANAPOLIS

WM. B. BURFORD, CONTRACTOR FOR STATE PRINTING AND BINDING
1906

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053 8.18.12
Indianapolis, September 17, 1906.

To the Governor and Chairman, State Board of Election Commissioners:

Having been appointed by said Commissioners to consider certain matters arising under the election law, we report that in our opinion, the proper construction of the law on the several points referred to us is as follows:

MERRILL MOORES,
WILLIAM W. SPENCER,
Committee.

We concur in and agree to abide by this report:

JAS. P. GOODRICH,
Chairman Republican State Committee.

W. H. O'BRIEN,
Chairman Democratic State Committee.

State Board of Election Commissioners for 1906:

GOV. J. FRANK HANLY, President.
JEFFERSON H. CLAYPOOL.
BERNARD KORBLY.
HARRY SLOUGH, Clerk.

Note.—These instructions changed to conform to the amendments enacted by the General Assembly of the State of Indiana, Session of 1905.

UNIV. OF
CALIFORNIA

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TO JOHN
ABERNATHY

1911

Instructions to Voters

—AND—

Election Officers.

WHERE ELECTIONS MUST BE HELD.

An election must be held at the place designated by the Board of County Commissioners, unless from absolutely unavoidable circumstances it can not be done. If it can not be held at the place so designated, then the Election Board should meet at, or as nearly as possible, at the place so designated and there organize as a Board, and then adjourn to a place available and nearest to the one so designated, not, however, outside of the precinct. In such an instance care should be taken to see that no voter loses his vote by not finding the new voting place; and, if necessary, some person should be stationed at the place so designated by the Board of County Commissioners to notify the voters of the change, and where the actual voting place is situated.

BALLOT BOXES.

The Board of County Commissioners of each county must provide, at the expense of the county, three ballot boxes—one painted red, for the reception of the State ballots; one painted white, for the reception of the local ballots (Sec. 32), and one yellow, for the reception of the township ballots (Sec. 134). The Board of County Commissioners must deliver all the ballot boxes and all the election paraphernalia, except the ballots, at the places where the election is to be held, prior to the day of the election.

CHUTES.

The chute should be so constructed that it will not obstruct passage along the highway or street. Persons within fifty feet for manifestly lawful and necessary purposes should not be molested. This is also true of persons passing within that distance of the chute.

PASTER TICKETS.

The law permits the use of complete pasters, by which is meant a complete ticket pasted on the ballot by the voter, without the knowledge of the Election Board. If such a ballot be found in the box, the Election Board must carefully examine the law, and if it does not comply with its provisions, it is void and should not be counted. (Sec. 77.)

WATCHERS.

Each of the four political parties that cast the largest vote at the last November election, and which has a place on any of the official ballots, is entitled to one watcher at each precinct, at the canvass of the vote. Each watcher must present to the Election Board, before he enters the election room, credentials signed by the township or county chairman of the party which he represents, showing him to be the duly authorized watcher for his party. No person other than the Inspector, Judge, Poll Clerks, Election Sheriffs and Watchers can be permitted in the election room during the canvass of the votes (Sec. 83). No watchers can be present during the voting.

SAMPLE BALLOTS.

The sample State and local poster ballots should be printed in large type, each on a sheet of paper about 25 by 38 inches in size.

The sample State Ballots will be prepared and be furnished by the State Board of Election Commissioners, and three will be enclosed in each package of State ballots. They will be printed on yellow paper, and will have thereon the words, "Sample Ballot. Genuine State Ballot is on red paper."

The sample Local Ballots should be prepared by the County Board of Election Commissioners, and three enclosed in each package of local ballots. It should be printed on blue paper, and have

thereon the words, "Sample Ballot. Genuine Local Ballot is on white paper."

The sample Township Ballot should be prepared by the County Board of Election Commissioners, and three enclosed in the package of township ballots for each precinct of the township for which the sample ticket is printed. It should be printed on brown paper, and have thereon the words, "Sample Ballot. Genuine Township Ballot is on yellow paper."

Three of each kind of these sample ballots must be posted by the Election Inspector in and about his polling place.

If deemed desirable by committees of political parties, or by candidates, for the purpose of instructing voters, sample ballots, conforming to the description given above, may be printed, of any size, on blue, brown and green paper respectively, and posted up or circulated by them at any time during the political canvass.

CANDIDATES FOR COUNTY COUNCIL.

The County Board of Election Commissioners must print on local (county) ballots for the precincts of the first councilmanic district, the names of the candidates for councilmen-at-large, and also the names of the candidates for county councilmen for that district. In like manner the local (county) ballots must be printed for each precinct of the other councilmanic districts.

ROAD SUPERVISORS.

Road Supervisors are no longer elected at the time of the general elections in November. Under the new law (see Secs. 135, 136 and 137) elections for these offices will be held on the second Saturday after the first Monday in December, 1905, and every two years thereafter. These elections are entirely under the jurisdiction of the Township Trustee, and the law makes him responsible for all the details thereof.

POSTING DIRECTIONS.

The Inspector should be at his polling place early enough before 6 a. m. to enable him to post up the cards of instructions and sample ballots.

One of each kind of cards must be posted in each election booth ; and also one of each kind at the outer end of the chute. Not less than three of each kind of cards and not less than three of each kind of sample ballots must be posted about the polls beyond the fifty-foot limit. (Sec. 66).

INSTRUCTIONS TO VOTERS.

First. You must get your ballot and the blue pencil from the Polling Clerks in the election room.

Second. If you desire to vote a straight ticket, then make a cross, thus **X**, within the large circle at the head of the ticket containing the device of the party for whose candidates you desire to vote. If you do not desire to vote a straight ticket, you must not make a cross in the large circle containing the device of a party, but must make a cross, thus **X**, on the small square to the left of the name of each candidate for whom you desire to vote, on whatever list of candidates it may be. If the large circle at the head of the ticket is marked with a cross or otherwise and the ballot is marked with a cross or otherwise at any other place, it will be void and can not be counted, unless there be no candidate for some office in the list printed under such marked device, in which case you may indicate your choice for such office by making a cross, thus **X**, on the square to the left of the name of any candidate for such office on any other list. The cross must be placed within or on the circle or square, or the ballot will be void and can not be counted.

Third. Do not mutilate your ballots, nor mark them, either by scratching off a name or writing one upon them, nor in any other way put a mark upon them, except by placing one in the circle or on the squares, as above described. Otherwise the ballot will not be counted. You must not put any mark of any kind upon your ballots, except in the manner above described.

Fourth. After you have marked your ballots, and before you leave the election booth, fold them up separately so that the face of each one can not be seen, and so the initial letters of the names of the Polling Clerks on the back thereof can be seen. Then hand your ballots to the Inspector, the pencil to the Polling Clerks, and immediately leave the election room.

Fifth. If you are physically unable to mark your ballots, or can not read English, so inform the Polling Clerks, and make an affidavit to that effect. They will then go with you into the election booth, and you can then tell them how you desire to vote, and they will mark your ballot for you. Neither you nor the Polling Clerks must permit any other person to hear or see how your ballot is marked. It is a penal offense to declare you can not read English or can not mark your ballot, if, in fact, you can.

[In no case can the ballots be marked by the Polling Clerks if the voter can read the English language and is physically able to mark his ballot. Nor can they mark it until the voter has made the proper affidavit.]

Sixth. If you should accidentally, or by mistake, deface, mutilate or spoil one of your ballots, return it to the Poll Clerks and get another one of the same kind.

Seventh. You must not accept a ballot from any person, outside of the election room. Any ballot outside is fraudulent; and it is a penitentiary offense to have it in your possession, whether you attempt to vote it or not.

Eighth. You must not attempt to hold any conversation in the election room except with members of the Election Board and the Polling Clerks.

Ninth. Use only the blue pencil handed you by the Polling Clerks in marking your ballots. If you mark with any other pencil, your ballot so marked will be void, and will not be counted.

Tenth. You must not put any mark of any kind on your ballot, except as above described.

Eleventh. If you are unable to vote by machine on account of physical disability or inability to read English, and make an affidavit to that effect, you will be instructed or assisted by the Polling Clerks, as in the case of voting by ballot. If you request it, you will, upon being registered by the Polling Clerks, be instructed by them as to the manner of voting by machine. You can not remain in the voting machine booth more than one minute; and no person can be in or near the machine when a voter is in the voting ma-

chine booth unless it is the Polling Clerks while instructing or assisting the voter.

[If the foregoing instructions to voters are printed on cards and posted up at the polls, it will be a sufficient compliance with the provisions of the statute requiring instructions to be posted up at such places. Add, however, in full, at the foot of such cards the original Sections 43, 50, 55, 56, 59 and 60 of the election law of March 6, 1889, being Sections 74, 81, 86, 87, 90, 91 of this compilation.]

VOTING BY MACHINE.

1. The election officers in precincts where voting is done by machines will be the same as in voting by ballot.

2. All laws relating to the secrecy of the ballot and the number of persons permitted in the room apply as well to machine voting as in voting by ballot. No voter can be permitted to remain in the voting booth more than one minute. (Sec. 225.)

3. When the voter enters the election room he must announce his name to the Polling Clerks, who must register it in the same manner as when voting by ballot.

4. The laws as to qualifications of voters, and as to challengers are the same in case of machine voting as in voting by ballot.

INSTRUCTIONS TO VOTERS USING VOTING MACHINES.

1. Voters who are unable to vote by machine on account of physical disability or inability to read English, and who make an affidavit to that effect, must be instructed or assisted by the Polling Clerks, as in the case of voting by ballot.

2. If the voter requests it, he must, upon being registered by the Polling Clerks, be instructed by them as to the manner of voting by the machine.

3. All machines will be so constructed that the voter can vote either a straight or mixed ticket.

4. Instruction must be given at each voting place as to the manner of voting by machine; no fixed rule can be laid down because it is not known what kind of machine will be used in a precinct.

5. After the voter has voted, the Inspector or one of the Judges will announce to the Polling Clerks that such voter has voted, and the clerks will write the word "voted" opposite the name of such voter, in the same manner as when voting by ballot.

CAUTION.

As voting by machine is an experiment, it would be wise for the Inspector to provide the necessary ballots and ballot boxes; so that in case of the machine failing to work, at any time, the election can proceed thereafter in the usual way of voting by ballot.

INSPECTORS.

An Inspector must have been a freeholder and a resident householder of his precinct for one year, or a resident householder for two years immediately preceding the day of election. If no person qualified to act will consent to serve as Inspector, or if there be no person residing in the precinct qualified to act as Inspector by reason of the fact that he has not been a resident householder within the precinct for two years, or a freeholder and householder for the year next preceding the election, then any qualified voter of the precinct may be appointed. (Secs. 25, 26, 29.)

An Inspector must not have anything bet or wagered on the election, nor be a father, father-in-law, son, son-in-law, grandfather, grandson, brother, brother-in-law, uncle, nephew, or first or second cousin of any candidate at the election.

Not more than three nor less than two days before the day of election, the Inspector, or the Judge authorized by him, must call at the County Clerk's office and get the ballots for his precinct. (Secs. 64, 67, 68.) Before going he should inform himself, if he can, if the number of voters in his precinct has increased fifty per cent. since the last presidential election. He will receive ten ballots for each five voters in his precinct—ten local (county) and ten township ballots—each kind of which must be counted, wrapped in separate packages and sealed in his presence. He will also receive a sealed package containing the State ballots, for his precinct, three blue pencils, the cards provided by the County Board of Election Commissioners with printed instructions for voters, and three sample ballots of each kind of ballots. All these he must carefully guard and preserve. (Secs. 64, 66.) If, by accident, they be lost or destroyed, he must report at once to the County Board of Election Commissioners, at the County Clerk's office, and obtain a new supply. (Secs. 60, 69.)

The Inspector acts as Chairman of his Election Board, and must announce the opening and closing of the polls. His duties as a member of such board are set forth hereinafter under the head of "Election Board."

Meals.—The Inspector should see that the Election Board of his precinct are furnished with good, plain and substantial meals, at the regular hours for meals, during the election day and until the count is finished; but no spirituous, vinous or fermented liquors shall be furnished. Those entitled to receive these meals are the Inspector, two Judges, two Poll Clerks, and two Election Sheriffs, and no others. The Inspector should also see that the election room is comfortable, such as furnishing fuel, light, chairs, table and a stove. (Sec. 101.)

APPOINTING JUDGES.

Before opening the polls the Inspector must appoint two Judges, one from the Republican and the other from the Democratic party. (Sec. 26.) The Chairman of the Republican and Democratic County Committees have the right to name these Judges, but must do so at least one week before the election. (Sec. 25.) If a member of the Election Board fail to appear at the hour for opening the polls, the remainder of the Board must select a member from his political party to serve in his stead. The qualified voters of his party present at the polls may nominate a qualified person for the vacancy, and he must be appointed. If no member of the Election Board appear at the hour appointed for opening the polls, the qualified voters present must elect a Board viva voce as nearly as possible in conformity with the requirements above stated. (Sec. 26.)

ELECTION JUDGES.

Election Judges have no duties except as members of the Election Board, which see. They must be qualified voters of the precinct, and have been freeholders and resident householders therein for at least one year, or householders for at least two years next preceding the day of election, and be members of different political parties and of the parties which cast the highest number of votes in the State at the last November election. If no persons who are qualified will consent to serve as such Judges, or if there are no

persons residing in the precinct qualified to act as Judges by reason of the fact that they have not been resident householders within the precinct for two years, then, in that case, any two electors of the precinct may be appointed as such Judges.

ELECTION BOARDS.

The Election Board is composed of the Inspector and the two Judges representing the two leading political parties. No person except these three have any voice in determining any question arising for the Board's decision. (Secs. 25 and 26.)

NOMINATION OF POLL CLERKS. The first duty of an Election Board is the appointment of Poll Clerks, who must be qualified electors of the precinct and representatives of the two leading parties. If nominations have been made by the chairmen of these two parties, such nominees must be appointed. (Sec. 27.)

OATH OF OFFICE. The next duty is taking the oath of office in accordance with Sections 29 and 30. The law requires the Inspector and Judges to be qualified on the morning of the election. If no person is present at the polling place authorized to administer oaths, the Inspector administers the oath to the two Judges and then one of the Judges administers the oath to the Inspector. The Inspector administers the oath to the Polling Clerks. The Inspector then reads to the Judges Sections 88 and 89, of the election law, and each member of the Election Board then takes an oath, as provided in Section 29.

PROVIDING BALLOTS AND FURNITURE. In case, for any reason, the ballots or any necessary furniture for the election be not on hand at the opening of the polls, the Board must supply them as speedily as possible. Ballots should be obtained from the person who was entrusted to bring them to the polling places, if possible; if not, then at the County Clerk's office; and if that be impracticable, the Board must have them printed. (Sec. 69.)

OPENING BALLOT PACKAGES. After the organization of the Board the ballot packages must be opened by the Inspector in the presence of the Board without breaking the seals, in other words, cut the strings and leave the seals on them. (Sec. 65.)

The seals must be preserved and returned with the protested, disputed, defective and uncounted ballots. (Sec. 83.) The Inspector then delivers twenty-five of each of the different kind of ballots to the Poll Clerk of the party opposing his own, and the pencils to the other Clerk, who has charge of the same. As soon as a ballot has been delivered by the Poll Clerk to a voter the Inspector must deliver another ballot to the Poll Clerks, who must at once sign it with their initials and place it at the bottom of those already signed, so that at all times the Poll Clerk shall have twenty-five of each of the different kinds of ballots before him. (Sec. 65.)

BALLOT BOXES. The ballot boxes must be opened, examined and then closed and locked before announcing that the polls are open. One key must be retained by the Inspector and the other key given to the Judge of the opposite politics of the Inspector. (Sec. 33.)

OPENING THE POLLS. When these duties have been performed and the Poll Clerks have marked their initials on the lower left-hand corner of the back of twenty-five of each of the different kind of ballots, the Inspector must then announce that the polls are open. No ballot can be received before this announcement is made. (Sec. 42.)

POLLS OPEN AT 6 A. M. SHARP. The failure of the Poll Clerks to have their initials marked on the full number of twenty-five ballots shall not delay the opening of the polls. The law says the election shall be opened at 6 o'clock a. m. (Sec. 34), and this provision is mandatory. As soon as the clerks have any ballots at all marked properly with their initials, the polls shall be opened, and the full quota of twenty-five ballots shall be marked ahead as quickly as possible without delaying the vote.

POLLS OPEN CONTINUOUSLY. The polls must be kept open continuously from 6 a. m. to 6 p. m., unless after 4 p. m. where there has been no vote tendered for fifteen minutes, the Board may, by unanimous consent of all its members, close the polls. (Sec. 34.) After the polls open at an election, the Board can not adjourn temporarily, nor take any recess, until the polls have been regularly closed, all the votes counted, the returns made

out, and the result publicly announced. The meals should be served the Board in the election room, and the polls kept open so that no delay shall be had in the voting. (Sec. 100.)

RIGHT OF ELECTION BOARD TO CHALLENGE. The right of any person offering to vote may be challenged by either challenger present, by any member of the Election Board or by any voter of the precinct. (Sec. 72.)

INTERPRETER. If any member of the Board request it, an interpreter may be called to aid in instructing a voter, but the interpreter has no right to mark the ticket or see it marked. (Sec. 76.)

BALLOTING. The Board has general supervision of the balloting and should not permit any violation of the law in its presence without the immediate arrest of the offender. No ballot may be put in the box by the Inspector if the manner in which it has been marked has been shown to any person, or if it has been mutilated, or defaced, or any distinguishing mark put on it, or if the initials of the Poll Clerks do not appear on it. (Sec. 80.)

CLOSING POLLS. No voter can enter the election room after the polls are closed, but any voter in the room at the time of closing may tender his vote and it must be received. The Inspector must make proclamation of the closing of the polls, and a minute of the time must be entered by the Poll Clerks on the tally papers. (Sec. 34.)

DESTRUCTION OF UNVOTED BALLOTS. Immediately on closing the polls the Election Board must count the ballots remaining unvoted, make a record of the number on the tally sheets and totally destroy them by fire. (Sec. 82.)

POLL CLERKS.

Poll Clerks must be qualified voters of the precinct and taken from the two leading parties. They may be nominated by the respective County Committees four days prior to the election. (Sec. 27.) But if not, they must be selected and appointed by the Board of Election, one from each of the two leading parties. (Sec. 27.)

OATH OF OFFICE. The first duty of the Poll Clerks is to take the oath of office. (Sec. 31.)

PASTERS. On receiving ballots from the Inspectors the Poll Clerks must place all necessary pasters on them in their proper places, when a candidate has been properly named to fill a vacancy occasioned by the death, removal or resignation of any candidate after the tickets have been printed. (Sec. 58.)

INITIALS. The Poll Clerks must place their initials in their ordinary handwriting, in ink, on the lower left hand corner of the back of each ballot immediately upon receiving the ballots from the Inspector. (Sec. 65.) This must be done without any distinguishing marks. Twenty-five ballots of each kind must be kept ready for delivery to the voters, and the one first signed must be delivered first. (Sec. 65.) Placing a mark on a ballot by which it may afterwards be known is a penal offense. (Secs. 91 and 92.)

THE VOTER AND POLL CLERKS. On entering the election room the voter announces his name to the Poll Clerks who, at once, register it. Then they furnish him with one of each kind of ballots and a blue pencil, and on request, explain to him the manner of voting. This explanation must be made in the presence of the whole Board. If deemed necessary by any member of the Board an interpreter may be called. (Sec. 76.) The voter, after marking and properly folding his ballots in the booth, must return the pencil to the Poll Clerk from whom he received it and deliver the ballots to the Inspector. In no event can he be allowed to remain in the booth more than five minutes. When his ballot is deposited in the ballot box, the Poll Clerks must write the word "voted" after his name on the poll lists. (Sec. 76.) If the elector make an affidavit that, on account of physical disability or inability to read English, he can not mark his ballot, the Poll Clerks must do so for him in the presence of each other and in his presence, and, on request, must read over to him the names of the candidates as marked. It is a felony for a Poll Clerk to deceive any elector in selecting or marking his ballot. (Sec. 79.) If the voter accidentally, or by mistake, spoil, mutilate or deface his ballot, the Poll Clerks must give him another and have him destroy the first in the presence of the Board, and they must make a minute of

the facts on the poll lists at the time. (Sec. 78.) If the voter disclose how he has marked his ballot it must be rejected, and the Poll Clerks must make a minute of that fact on the poll lists. (Sec. 76.)

ELECTION SHERIFFS.

The Sheriff must appoint two special deputies as Election Sheriffs for each precinct; one from each of the two leading political parties. The chairman of each of such political parties may, five days prior to the election, designate an Election Sheriff for each precinct, and if the person so appointed fail to appear the member or members of the Election Board of his political party must appoint a person to act in his place. (Sec. 43.)

ATTENDANCE. The Election Sheriffs must be at the polls when they open and remain until the count is concluded. (Sec. 43.) During the canvass of the vote the Sheriffs should remain in the election room with the Election Board. They may go in and out of the election room, when they wish, or as the occasion may require.

ARREST. They must make arrests on the demand of any member of the Board (Sec. 43), and also on affidavit made before the Inspector by any qualified voter that any person who has voted is not a legal voter. Persons thus arrested by Election Sheriffs should be promptly delivered by them to the nearest magistrate or court, where their cases may be speedily heard, and, if their offense be bailable, bond may be given. (Sec. 73.) In general, the Sheriffs must follow the direction of the Election Board.

VOTER AND SHERIFFS. It is the duty of the Election Sheriffs to see that no more than three voters are permitted in the election room at the same time, and that all other persons are kept away for a distance of fifty feet. They should also assist infirm or decrepit voters going through the chute to and from the election room.

CHALLENGERS AND POLL-BOOK HOLDERS.

One challenger and one poll-book holder, appointed in writing by the local chairman of each party organization, are entitled to

stand at the sides of the chute next the challenge window. (Secs. 43 and 72.)

CAUSES FOR CHALLENGE. Under a decision of the Supreme Court of Indiana, the provision with reference to registration has been held unconstitutional; and, therefore, this is not a cause for challenge. The following are causes for challenge: Bribery, buying, or offering to buy votes, advising bribery, advising buying votes, selling one's vote or offering to sell one's vote, not having been a resident of the United States for one year or of the State six months, or of the township sixty days, or of the precinct thirty days immediately preceding the day of election, or being of foreign birth and not having been naturalized, or not having taken out first papers, or being less than twenty-one years of age. It is also a good cause for challenge that the voter has been disfranchised by a court of this State for a period of time covering the day of election.

MODE OF CHALLENGING. When a person is challenged he must stand aside, and can not vote unless he makes an affidavit that he is a legal voter. If he makes such an affidavit, he is entitled to vote, unless the challenger or some other person make an affidavit that he is not a legal voter. This affidavit may be made on information or belief, but if so, the person or persons who furnished the information must be named in the affidavit. The voter must then bring a qualified voter of the precinct as a witness, who must swear that of his own knowledge the claimant is a legal voter. Any false statement in any of the affidavits constitutes the crime of perjury. (Sec. 74.) The voter making the last affidavit must have been a freeholder and resident householder in the precinct for at least one year, or a resident householder for two years, next preceding the day of election, unless the person offering to vote shall make an affidavit that there is no person of his political party residing in the precinct who has been a freeholder and householder in the precinct for one year or a householder for two years, in which case the affidavit may be made by any qualified voter. (Sec. 72.)

CANVASSING VOTE.

ORDER OF CANVASSING BALLOTS. The Election Board must then proceed to canvass the ballots; first the State, second the county, and third the township ballots.

BALLOTS, HOW CANVASSED. The election Boards must in canvassing the votes begin first with the State ballots and complete them before proceeding with the other ballots, by laying each ballot upon the table in the order in which it is taken from the ballot box; and the Inspector and the Judge of Election differing in politics from the Inspector must view the ballots as the names of the persons voted for are read therefrom. If any ballot be found mutilated, defaced or marked so that it can be identified, it must not be counted (Sec. 83); but the Board should not adhere to such a severe construction of the law as will deprive innocent or honest voters of their rights. In determining the intention of the voter a careful but common-sense discretion should be exercised. Instances may arise where finger marks from a greasy or soiled hand may, unintentionally, have been left upon a ballot. In such an instance, if the Board is convinced, after a careful examination, that the marks were accidentally and not intentionally or corruptly made, the ballot should be counted. If the initials of the Poll Clerks be on the ballot but not on the lower left-hand corner, and this appears clearly to have been an honest and unintentional mistake of the Poll Clerks, the ballot should be counted. No ballot can be counted, however, if the intention of the voter is not indicated by the blue pencil mark and in the exact manner required by the statute, which provides that the cross must be on or touch the circle or the square. (Sec. 83.)

The unprotested ballots when counted should be strung on a twine as fast as they are counted and totally destroyed by fire as soon as the count has been completed and the certificates made up. (Sec. 83.) All ballots that are uncounted, protested, disputed or defective must be preserved and returned to the County Clerk's office in the proper package (Sec. 83), unless the Board finally decide that they should be counted, in which instance they should be counted and destroyed unless some member of the Election Board protests; or, unless the Board finally and unanimously agree

that they should not be counted, in which instance they should not be counted, but they should be preserved and put in the package with those ballots which are protested, uncounted, disputed or defective.

BALLOT, WHERE THERE ARE SEVERAL CANDIDATES FOR SAME OFFICE. In case there are two or more persons to be elected to the same office, as in the case of Senators and Representatives in the Legislature, Judges of the Superior Court, Justices of the Peace, etc., if the names of one or more, but less than all, of such persons for a particular office are marked on one or more of the tickets, the ballot must be counted for the persons whose names are so marked; but if in such case the names of more persons than are to be elected to the particular office are marked on any ballot, such ballot can not be counted for any person for that office, for the reason that it can not be determined which of the right number to be elected were intended to be voted for, but the ballot is valid and must be counted for the candidates for other offices as to whom it is properly marked. (Sec. 83.)

BALLOT IN WRONG BOX. If the Inspector, by mistake or intention, deposit genuine ballots in the wrong box, putting State ballots in the local box, or local ballots in the State box, such ballots must be counted. (See 130 Ind. 561.)

CLOSE OF COUNT. The Board, after canvassing the ballots, must record the results on the tally sheets, and make out three certificates of the number of votes for each candidate, over the signature of all the members of the Board, and deliver one of them to each member of the Board. (Sec. 83.)

The Board must then burn, completely, all the voted ballots, except those protested, uncounted, disputed or defective. (Sec. 83.)

The disputed, protested, uncounted and defective ballots must be preserved and returned to the County Clerk's office, in the sealed bags. Before putting such ballots in the bag, one of the Poll Clerks must endorse upon the back of each disputed, defective, uncounted or protested ballot the word "counted" or "not counted," or if counted in part, for whom counted, as the case may be, which statement must be signed by both of the Clerks. (Sec. 83.)

PROTESTED BALLOTS. At the close of the canvass the

Poll Clerks must make memoranda on the tally sheets of the protested, uncounted, disputed and defective ballots. It is intended by the law that there should be separate memoranda for each ballot, specifying the objections to it. It will, therefore, be necessary to number the protested, uncounted, disputed and defective ballots so that the objections may be referred to the proper ones by number. (Sec. 83.)

A paper sack is provided in which the seals of the ballot packages, and all the disputed, protested, uncounted and defective ballots must be placed; and this bag, after sealing, must be delivered to the County Clerk.

EFFECT OF PROTEST. A protest does not, in any sense, mean that the ballot shall not be counted. It must be counted, notwithstanding the protest, if a majority of the Board so decide, and the only persons to decide are the Inspector and the two Judges. If a ballot is counted over the protest of a member of the Election Board, it must be preserved.

PROHIBITED ACTS. It is punishable by fine and imprisonment for any election officer to electioneer (Sec. 91); to mark in an unauthorized way any ticket, or endeavor to ascertain how it is marked; to permit any ballots to be taken away (Sec. 62); or permit any ballot packages to be opened, or ballots removed or destroyed (Sec. 85); to disclose how any voter has voted (Sec. 91); to mark or mutilate any ballot; or neglect to perform any duty, or in any way violate the election laws (Sec. 92).

It is punishable with fine and imprisonment for any person to remove any ballot or blue pencil from the election room, or even to have a genuine ballot in his possession (Secs. 63 and 81); to counterfeit (Sec. 84) or tamper with the ballots (Sec. 85); to remove or destroy any election supplies or conveniences (Sec. 90); to wrongfully enter the election room (Sec. 86); or to induce or attempt to induce any elector to put any unauthorized mark on or mutilate his ballot (Sec. 87); or induce or attempt to induce any election officer to violate his duty (Sec. 89).

CUSTODIAN OF PAPERS.

At the close of the canvass the Inspector must take charge of the sealed bag containing all affidavits made; of the second bag containing the protested, uncounted, disputed or defective ballots with the seals of the ballot packages; of the third bag containing the list of voters kept by the Poll Clerks, the oaths of office taken by the election officers, and one of each of the tally papers. For further particulars how these packages must be sealed and where they are to be delivered, see under the head of "Disposition of Papers."

DISPOSITION OF PAPERS.

The various papers and documents used by the Board must be disposed of as follows:

(a) The count being completed, the Board must place in a paper bag or envelope, to be furnished for that purpose, all affidavits made and taken during the progress of the election, which bag or envelope must be securely sealed by the Board. Each member of the Board (Inspector and two Judges) must indorse his name on the back of such bag or envelope, which must be delivered at once to the County Clerk by the Inspector.

(b) All protested, uncounted, disputed or defective ballots preserved from destruction must be put in another bag furnished for that purpose, together with the seals of the ballot packages, in the same condition as they were when the packages were opened at the beginning of the election. The Inspector must seal this bag with wax and indorse thereon the number of ballots therein, and the condition of the seals of the ballot packages, with the name of the township and precinct or ward and precinct, and he must deliver it, at the earliest possible period, to the County Clerk.

(c) In a third bag must be placed one of the list of voters kept by the Poll Clerks, and one of each kind of tally sheets, and the oaths of office taken and subscribed by the election officers prior to the opening of the polls. This bag must be tightly closed and sealed with wax by the Inspector in the presence of the Judges, and the Inspector must deliver it to the County Clerk at once, and make the affidavit required by Section 4713, R. S. 1881; R. S. 1901, Sec. 6268.

(d) The certificate of the result of the election, with the remaining sheets and poll list, must be delivered at once by the Inspector to the County Board of Canvassers at the County Clerk's office, to be used in the general canvass of the votes. In no event should the Inspector or Judge, who has been selected as custodian of these papers, part with their possession or permit them to be changed, handled or mutilated.

BOARD OF CANVASSERS.

VOTES FOR ALL OFFICERS OTHER THAN TOWNSHIP OFFICERS—WHEN, WHERE AND HOW CANVASSED. The votes for all officers, other than Township officers, are canvassed by the County Board of Election Commissioners, which for that purpose is constituted a Board of Canvassers; the Board meeting for that purpose in the Circuit Court Room in the Court House at six o'clock p. m. upon the day of election. The Board of Canvassers receive the election returns from the County Clerk, to whom they must be delivered by the Inspector immediately after the polls are closed on the day of election. The Board proceeds to canvass the vote, comparing the certificates, poll books and tally papers, and aggregating the vote, and declare and certify the result. If two or more persons shall have the highest and an equal number of votes for a single office to be filled by the voters of the county, the Board declares that no person is elected to fill the office and certifies to that effect. The Board must declare the person having the highest number of votes for any office to be filled by the voters of a single county duly elected to said office, and certify the same. No tally papers, poll book or certificate returned by any election board can be rejected for want of form if it can be satisfactorily understood, and in no case can the Board of Canvassers reject the returns from any precinct if they are certified by the Board of Election of the precinct, as required by law, and presented by the Inspector or one of the Judges of the Board. The acts of the Board of Canvassers are ministerial; the canvass must be made from the face of the tally papers, poll books and certificates made by the Inspectors, Judges and Clerks, but it is now permitted to hear testimony and compel the attendance of witnesses to answer under oath touching any questions which may properly

come before the Board. The Sheriff of the county must certify all process and obey all orders of the Board, and shall during the canvass supply a deputy who shall remain in attendance upon the Board, and be paid by the county at the rate of two dollars for every eight hours of such attendance. Failure to attend in response to a subpoena is made a contempt. In case of a disagreement between the members of the Board of Canvassers as to how the vote of any precinct shall be counted, the matter in dispute must be forthwith reported by the Board to the Judge of the Circuit Court in a brief written statement, setting forth the grounds of disagreement together with all papers concerning the matter, and such judge shall summarily determine such dispute and direct how such vote shall be counted, and such determination shall be final as regards the action of the Board of Canvassers. It is the duty of each Inspector of elections, as soon as the certificates required by law have been signed by the precinct election boards, to deliver them together with one of the lists of voters and one of the tally papers containing the vote of the precinct for all officers voted for, and with all bags required to be returned to the County Clerk, and this return must be made promptly upon the night of the election.

VOTES FOR TOWNSHIP OFFICERS—WHEN, WHERE AND HOW CANVASSED. The votes for township officers, where there is but one precinct in the township, are canvassed by the Board of Election, after the polls are closed, on the day of election, and the result certified accordingly; but in all townships where there are more than one precinct and not more than ten precincts, the Inspectors of the several precincts, or the Judge of Election to whom the certificates, poll books and tally papers have been delivered, constitute a Board of Canvassers, who must meet on the day following the election at the office of the Township Trustee at as near 10 o'clock a. m. as practicable, and organize by electing one of their number as chairman and one as clerk, and compare the certificates, poll books and tally papers, aggregate the vote, and declare and certify the result; and if two or more persons have the highest and equal number of votes for the same office they must determine by lot which shall be declared elected and give a certificate accordingly. (Secs. 138 and 139.)

If there are more than ten voting precincts in any township of a county, then the vote for township officers in such township, shall be canvassed by the County Board of Canvassers at the same time and place, that the vote for county officers is canvassed.

MACHINE VOTING.

Where machines are provided for voting, a railing shall separate the part of the room occupied by the Election Board from that occupied by the machine. The exterior of the machine and every part of the polling place shall be in plain view of the Board. The machine shall be so placed that no person outside the railing can see how any person has voted. No one can go inside the railing except for the purpose of voting, unless it is necessary to assist a cripple or illiterate voter to vote. If a voter remain in the compartment longer than one minute, he shall be removed. (Sec. 225.)

Cripples and illiterate persons can receive assistance in machine voting only under circumstances which permit assistance in voting by ballot. (Sec. 226.)

Sample ballots for machine voting are provided by the county in the form of a diagram showing the entire front of the voting machine after the ballot labels are attached for voting. Three of such sample machine ballots shall be posted near the entrance to the voting chute. (Sec. 228.)

The Inspector, when he gets his supplies on the Saturday before election, gets, among other things, three extra sets of ballot labels for use in emergencies; but the labels on the machines are to be placed there originally by the County Board of Election Commissioners. (Sec. 229.)

After six o'clock in the evening of the day before the election, the Inspector and Judges meet in the election room, and see that the machine is properly labeled, set and adjusted, ready for voting. At five o'clock on election morning, the Election Board with the Clerks and Sheriffs must meet in the election room and finally assure themselves that the machines are properly labeled, set at zero, and in order. (Sec. 229.)

As soon as the polls are closed, the Inspector in the presence of the Judges, Clerks, Sheriffs and Watchers, after locking the

voting part, shall open the counting compartment and read off and announce the vote, which shall be immediately taken down and recorded by the Clerks. The certificates shall be returned at once to the Canvassing Board at the Clerk's office precisely as in voting by ballot. (Sec. 232.) The machine must then be locked up. (Sec. 233.) The keys of the machine must be returned to the County Auditor. (Sec. 235.)

A full supply of ballots, booths and boxes for voting purposes will be furnished each Election Board. If a machine fails to work or breaks down at any time, notice must be sent to the County Auditor at once; but the voting must not be delayed, printed ballots must be issued to the voters and the election must proceed as if no machine had been provided. In canvassing the vote where this has occurred, the ballot vote is to be added to the machine vote as recorded at the time of the break-down.

CONSTITUTIONAL AMENDMENT.

Constitutional amendments when proposed are printed in brief on the State ballots below the State tickets, and with machine voting on the machine above the State tickets. It is the duty of the Inspector to draw the attention of each voter to the amendment and to instruct him, if he favors the amendment, to mark the square before the word *Yes*, and, if not, to mark the square before the word *No*. Every voter should vote upon proposed amendments, as they can not be adopted by less than a majority of all voters voting for any officer at the election. In re Denny, 156 Ind. 104.

PARTIES.

The party vote of 1904 was as follows:

Democratic	274,998
Republican	359,362
Prohibitionist	22,690
Socialist	10,991
Peoples	2,065
Socialist Labor	1,437

Total vote671,543

Under the law, each of the four political parties which cast the largest vote in 1904 is entitled to one Watcher at the count (Sec. 83), and each party which cast one per cent. of the total vote is entitled to nominate its candidates by petition. Under this vote, the only political parties entitled to nominate by petition and to have Watchers at the count, are the Democratic, Republican, Prohibition and Socialist parties. Nominees of other parties can only be placed on the official ballot by petition, and only such signatures to petitions can be counted as have been acknowledged before an officer authorized to take acknowledgments.

ELECTION SUPPLIES.

Inspectors are required by law to call at the offices of the Auditor and Clerk in the Court House for election supplies on the Saturday before election. If they can not go in person, they must send one of the Judges. If they do not get the supplies on Saturday, they must serve as Inspector without compensation, and are subject to a fine of from ten to one hundred dollars.

RETURN OF VOTE.

The vote must be returned by the Inspector to the Clerk's office in the Court House immediately on the conclusion of the count.

ARRANGEMENT OF BLANKS AND TICKETS.

STATE BALLOTS.

On the State tickets the names of the candidates will be in the following order:

- For Presidential Elector at Large.
- For Presidential Elector at Large.
- For Presidential Elector, First District.
- For Presidential Elector, Second District.
- For Presidential Elector, Third District.
- For Presidential Elector, Fourth District.
- For Presidential Elector, Fifth District.
- For Presidential Elector, Sixth District.
- For Presidential Elector, Seventh District.
- For Presidential Elector, Eighth District.

For Presidential Elector, Ninth District.
 For Presidential Elector, Tenth District.
 For Presidential Elector, Eleventh District.
 For Presidential Elector, Twelfth District.
 For Presidential Elector, Thirteenth District.
 For Governor.
 For Lieutenant-Governor.
 For Secretary of State.
 For Auditor of State.
 For Treasurer of State.
 For Attorney-General.
 For Clerk of the Supreme Court.
 For Reporter of Supreme Court.
 For Superintendent of Public Instruction.
 For Chief of the Bureau of Statistics.
 For State Geologist.
 For Judge of the Supreme Court, First District.
 For Judge of the Supreme Court, Second District.
 For Judge of the Supreme Court, Third District.
 For Judge of the Supreme Court, Fourth District.
 For Judge of the Supreme Court, Fifth District.
 For Judges of the Appellate Court, First District.
 For Judges of the Appellate Court, Second District.

CONSTITUTIONAL AMENDMENTS.

LOCAL BALLOTS.

On the local tickets the names of the candidates should be in the following order as far as applicable to the particular county:

For Representatives in Congress, Congressional District.
 For Judge of the Circuit Court, Judicial Circuit.
 For Judge of the Superior Court, Superior Court District.
 For Judge of Superior Court, County.
 For Judge of the Criminal Court, County.
 For Senator, County.
 For Joint Senator, Counties.
 For Representative, County.
 For Joint Representatives, Counties.

For Clerk of the Circuit Court.
For County Auditor.
For County Treasurer.
For Recorder.
For Sheriff.
For Coroner.
For County Surveyor.
For County Assessor.
For County Commissioner, First District.
For County Commissioner, Second District.
For County Commissioner, Third District.
For County Councilmen at Large.
For County Councilman, District.

TOWNSHIP BALLOT.

For Township Trustee.
For Township Assessor.
For Township Advisory Board.
For Justices of the Peace.
For Constables.

On the blank forms for canvassing provided by the County Auditor, the names of the candidates should be arranged in the same order.

EXPLANATION.

The references at the end of the sections are to Thornton's Revised Statutes of 1897; Burns' Revised Statutes of 1894, 1901, and 1905, and the Revised Statutes of 1881. The letters "E. S." refers to "Elliott's Supplement" of 1889.

Owing to the law of 1897 substituting the use of a blue pencil for a stamp, in voting, the word "pencil" has been inserted immediately after or before the word "stamp;" "marking," after "stamping," and "marked," after "stamped," wherever these words occur in the law of 1889 or in the amendments thereto.

CHAPTER 1.

CONSTITUTIONAL PROVISIONS.

ARTICLE II—CONSTITUTION OF INDIANA.

SEC.

1. Elections free.
2. Qualifications of electors.
3. Soldiers—Seamen—Marines.
4. Residence.
5. Abrogated.
6. Bribery.
7. Challenge to duel.

SEC.

8. Disfranchisement.
9. Effect of holding lucrative office.
10. Defaulters.
11. Pro tempore appointments.
12. Electors free from arrest.
13. Method of elections.
14. Time of elections.

1. Elections Free.

All election shall be free and equal.

2. Qualifications of Electors.

(As amended March 14, 1881.) In all elections not otherwise provided for by this Constitution, every male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, and every male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside, if he shall have been duly registered according to law.

3. Soldiers—Seamen—Marines.

No soldier, seaman or marine in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State in consequence of having been stationed within the same; nor shall any such soldier, seaman or marine have any right to vote.

4. Residence.

No person shall be deemed to have lost his residence in the State by reason of his absence, either on business of this State or of the United States.

5. (Abrogated March 14, 1881.)**6. Bribery.**

Every person shall be disqualified for holding office during the term for which he may have been elected who shall have given or offered a bribe, threat or reward, to secure his election.

7. Challenge to Duel.

Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

8. Disfranchisement.

The General Assembly shall have power to deprive of the right of suffrage and to render ineligible any person convicted of any infamous crime.

9. Effect of Holding Lucrative Office.

No person holding a lucrative office or appointment under the United States, or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as by this Constitution expressly permitted: Provided, That offices in the militia, to which there is attached no annual salary, and the office of deputy postmaster, where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative: And provided, also, That counties containing less than one thousand polls may confer the office of Clerk, Recorder and Auditor, or any two of said offices, upon the same person.

10. Defaulters.

No person who may hereafter be a collector or holder of public moneys shall be eligible to any office of trust or profit until he shall have accounted for, and paid over according to law, all sums for which he may be liable.

11. Pro Tempore Appointments.

In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment pro tempore shall not be reckoned a part of that term.

12. Electors Free from Arrest.

In all cases, except treason, felony, and breaches of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same.

13. Method of Elections.

All elections by the people shall be by ballot, and all elections by the General Assembly, or either branch thereof, shall be viva voce.

14. Time of Elections.

(As amended March 14, 1881.) All general elections shall be held on the first Tuesday after the first Monday in November; but township elections may be held at such time as may be provided by law: Provided, That the General Assembly may provide by law for the election of all judges of courts of general and appellate jurisdiction by an election to be held for such officers only, at which time no other officer shall be voted for; and shall also provide for the registration of all persons entitled to vote.

CHAPTER 2.

ELECTIONS.

ART.

1. General elections.
2. Special elections.
3. Township elections.

ART.

4. Re-counting.
5. Contest.
6. To secure purity of elections.

ARTICLE I—GENERAL ELECTIONS.

SEC.

15. When held—What offices filled.
16. Certificate of Clerk—Notice of Sheriff.
17. Qualifications of electors.
18. Who disfranchised.
19. Soldiers, seamen and marines.
20. Residence.
21. Electors freedom from arrest.
22. Betting on elections.
23. Place of holding—Voters in precincts.
24. Boundaries of precincts—Change.
25. Officers of election.
26. Inspectors and election board.
27. Clerks of election.
28. Blank forms.
29. Oath of election board.
30. Administered by whom.
31. Inspector's duty—Administers oaths.
32. Ballot boxes.
33. Ballot boxes—How constructed.
34. Opening and closing election.
35. Where to vote.
36. Polling precincts.
37. Giving information to poll-takers.
38. List of voters.
39. Withholding information—Penalty.
40. Deceiving poll-takers—Penalty.
41. Giving fictitious names—Penalty.
42. Proclamation of opening.
43. Election sheriffs.
44. State Board of Election Commissioners.
45. County Board of Election Commissioners.
46. Board's duties.
47. Signatures must be acknowledged.
48. Nominating petitions.
49. Preservation of petitions.
50. When to be filed.
51. Governor's certificate.
52. Resignation of nominees.
53. Constitutional amendments.
54. Form of ballots.
55. Nominee's name on ballot but once.
56. Candidate to elect nomination.
57. Resignation of candidates—Vacancy.
58. Vacancy in nominations.
59. Printer's duties—Penalty.
60. Distributing ballots.
61. Clerk's allowance.
62. Permitting ballots to be taken away—Penalty.
63. Taking ballots away—Penalty.
64. Distribution of ballots.
65. Opening packages—Clerk's initials.
66. Cards—Instructions—Posting of ballots.
67. Special messengers.
68. Failure of inspectors to appear.
69. Ballots lost.
70. Destroying ballots not used—Records.
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72. Who may stand near polls.
73. Arrest of illegal voter.
74. Perjury—False affidavit.

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75. Election holiday—Preventing employe voting.
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77. Paster ballots.
78. Number of persons in booth—Spoiling ballots.
79. Illiterate voters.
80. Distinguishing marks—Penalty.
81. Taking ballots from election room—Penalty.
82. Counting and destroying unvoted ballots.
83. Canvassing votes—Destroying ballots.
84. Penalties for violating election law.
85. Penalties for Clerk, Inspector or Messenger.
86. Entering election room—Remaining close to polls.
87. Inducing voter to put mark on his ballot.
88. Revealing how elector voted.
89. Inducing member of Board to violate this act.
90. Removing or destroying election supplies.
91. Electioneering—Revealing vote.
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96. City and township elections.
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99. Duty of Board.
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103. Care of ballots.
104. Inspector, County and City Clerk, duties.
105. Clerk's and Trustee's duties.
106. Board of Canvassers.
107. Officers of Board.
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115. Certificate of election.
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117. Certificate of vote for Legislators.
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119. Tie vote for Legislators.
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122. Secretary of State and Governor as to Congressman.
123. Clerks' duty as to election of Governor.
124. Pay of officers.

[1881, S., p. 482. Approved April 21, 1881. In force September 19, 1881.]

15. When Held—What Offices Filled.

1. A general election shall be held on the first Tuesday after the first Monday in November in the year one thousand eight hundred and eighty-two, and biennially thereafter on the same day, at which election all existing vacancies in office, and all offices the terms of which will expire before the next general election thereafter, shall be filled, unless otherwise provided by law. (R. S. 1901 §6190; R. S. 1897 §6480; R. S. 1894 §6190; R. S. §4678.)

16. Certificate of Clerk—Notice of Sheriff.

2. The Clerk of the Circuit Court shall, at least twenty days before such election, certify to the Sheriff of his county what officers are to be elected; and such Sheriff shall give fifteen days' notice thereof, by posting up, at all usual places of holding such elections, a copy of such certificate, and by one publication thereof in some newspaper of his county, if any there be, and by delivering a copy thereof to the Township Trustee of each township within the county. But no election shall be invalidated by the failure of such Clerk or Sheriff in the performance of any of the duties enjoined by this section. (R. S. 1901 §6191; R. S. 1897 §6481; R. S. 1894 §6191; R. S. 1881 §4679.)

17. Qualifications of Electors.

3. All elections shall be free and equal, and in all elections every male citizens of the United States, of the age of twenty-one years and upwards, who shall have resided in this State during the six months, in the township sixty days, and in the ward or precinct thirty days immediately preceding such election; and every male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months, in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization,—shall be entitled to vote in the township or precinct where he may reside. (R. S. 1901 §6192; R. S. 1897 §6482; R. S. 1894 §6192; R. S. 1881 §4680.)

18. Who Disfranchised.

4. Every person undergoing a sentence of imprisonment on conviction for any felony or misdemeanor shall be disfranchised during the period of such imprisonment. (R. S. 1901 §6193; R. S. 1897 §6483; R. S. 1894 §6193; R. S. 1881 §4681.)

19. Soldiers, Seamen and Marines.

5. No soldier, seaman, or marine, in the army or navy of the United States or of their allies, shall be deemed to have acquired a residence in the State in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote. (R. S. 1901 §6194; R. S. 1897 §6484; R. S. 1894 §6194; R. S. 1881 §4682.)

20. Residence.

6. No person shall be deemed to have lost his residence in the State by reason of his absence either on business of this State or of the United States. (R. S. 1901 §6195; R. S. 1897 §6485; R. S. 1894 §6195; R. S. 1881 §4683.)

21. Elector's Freedom from Arrest.

7. In all cases, except treason, felony and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same. (R. S. 1901 §6196; R. S. 1897 §6486; R. S. 1894 §6196; R. S. 1881 §4684.)

[1857, p. 35. Approved March 4, 1857. In force August 24, 1857.]

22. Betting on Election.

1. Any person who shall bet or wager any money or other valuable property on the result of any election in this or any other State, shall, upon conviction thereof, forfeit and pay to the State of Indiana, for the benefit of the common school fund, any sum not less than the amount so bet or wagered nor more than twice said amount. (R. S. 1901 §6197; R. S. 1897 §6487; R. S. 1894 §6197; R. S. 1881 §4685.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

23. Precincts.

1. That the County Commissioners of each county in this State shall, at their first session after the taking effect of this Act, divide the townships of their respective counties into election precincts, and establish the boundaries of the same. Such Board of Commissioners shall designate at least one place of holding elections in each township, and every township in which only one place of holding elections is designated shall constitute a precinct. There shall be but one voting place in a precinct. Each precinct shall contain, as nearly as practicable, two hundred electors, based on the number of votes cast at the last election for presidential electors; but no precinct shall contain more than two hundred and fifty electors. If at any election hereafter two hundred and fifty or more votes shall be cast at any voting place, it shall be the duty

of the Inspector in such precinct to report the same to the Board of County Commissioners, who shall, at their next regular meeting, divide such precinct as equally as possible so that the new precincts formed thereof shall each contain two hundred electors, as nearly as practicable; but no precinct shall contain more than two hundred and fifty electors, and shall report such division to the Clerk of the Circuit Court of such county, and to the Governor of the State, together with the estimated number of votes in each of the new precincts. If such Board shall fail to act as herein directed, any qualified voter of the county may apply for a writ of Mandamus to compel a performance of this duty. (R. S. 1901 §6198; R. S. 1897 §6488; R. S. 1894 §6198; E. S. §1323.)

NOTE—Precincts in which voting machines are used may contain six hundred votes. Acts 1903, p. 278; R. S. 1905 §6329.

[1891, p. 154. Approved March 6, 1891. In force June 3, 1891.]

24. Boundaries of Precincts—Changes.

2. The Board of Commissioners of any county may change the boundaries of any precinct within such county, or divide any precinct into two or more precincts, or consolidate two or more precincts into one, or change any place of holding elections whenever public convenience or the public good may require it: Provided, That no such change, division or consolidation shall be made after the June term of such Commissioners' Court next preceding an election: And, Provided further, That no such change, division or consolidation shall be valid without giving due notice, at least one month before any election, by one publication in two newspapers published in said county, representing the two political parties which cast the highest number of votes in the State at the last general election, and by posters put up in four of the most public places in each precinct: And, Provided further, That no precinct shall be enlarged so as to contain more than two hundred and fifty electors. (R. S. 1901 §6199; R. S. 1897 §6489; R. S. 1894 §6199.)

[1897, p. 199. Approved and in force March 6, 1897.]

25. Election Officers.

3. Township Trustees shall, by virtue of their office, be Inspectors of Elections in the precincts in which they respectively reside, and shall, prior to the opening of the polls in such precincts, appoint as Judges of Elections two qualified electors of such precinct, who shall have been freeholders and resident householders therein for at least one year, or householders for at least two years next preceding such election, and who are members of different political parties and of the parties which cast the highest number of votes in the State at the preceding general election:

Provided, If no persons that are qualified will consent to serve as such Judges or that if there are no persons residing in any precinct qualified to act as Judges of Election, by reason of the fact that they have not been resident householders within such precinct for one year, then in that case the Township Trustee shall appoint two qualified electors of such precinct as such Judges: And, Provided further, That if at least one week or more prior to such election the Chairman of the County Central Committee of either of the two parties that cast the largest number of votes in the State at the last general election shall designate a member of such party as Judge, having the same qualifications as above prescribed, he shall be appointed, and such Judges, together with the Inspector, shall constitute a Board of Election. No person shall be eligible as a member of the Board of Election who has anything of value bet or wagered on the result of such election, or is a candidate to be voted for at such election, or who is father, father-in-law, son, son-in-law, grandfather, grandson, brother, brother-in-law, uncle, nephew, first or second cousin of any candidate at such election. If at any time before, or during an election, it shall be made to appear to any Inspector, by the affidavit of two or more qualified electors of the precinct, that either of the Judges is disqualified under the provisions of this Act, he shall at once remove such Judge and fill the place with a qualified person of the same political party as the Judge removed; and, in case such disqualified Judge shall have taken the oath of office hereinafter prescribed, the Inspector shall place such oath and affidavit before the next grand jury of the county. (R. S. 1901 §6200; R. S. 1897 §6490.)

[1901, p. 437. Approved March 11, 1901. In force May 16, 1901.]

26. Inspectors and Election Board.

4. Whenever any Board of County Commissioners shall designate more than one precinct in any township, it shall, at the September term of said Board, next preceding any election, appoint in each precinct in which no township trustee resides, as Inspector of such election, some qualified voter of such precinct, who shall have been a freholder and resident householder in such precinct for at least one year, or a resident householder for at least two years next preceding such election: Provided, That if no person thus qualified, will consent to serve as such Inspector or if there is no person residing in any precinct qualified to act as Inspector, by reason of the fact that he has not been a freeholder and resident householder in such precinct for one year, or a resident householder in such precinct for two years preceding such election, such Board of County Commissioners shall appoint some qualified elector of such precinct as such Inspector. Such Board of County

Commissoiners shall hold a special session one week before each election, and shall fill all vacancies that may have occurred in the office of Inspector, and shall fill any vacancy occurring thereafter at any regular or called session of the Board previous to the election. Such appointed inspector shall, before the time of opening the election in his precinct, appoint two Election Judges, if the same have not already been appointed, as hereinbefore provided, in the same manner and under the same requirements as provided for Township Trustees acting as Inspectors; and such Judges and Inspectors shall constitute the Board of Election for such precinct. If any member of an Election Board shall fail to appear at the hour appointed for the opening of the polls, the remainder of the Board shall select a member of his political party to serve in his stead: Provided, That if the qualified electors of his party present at the polls shall nominate a qualified person for such vacancy; such nominee shall be appointed. If none of the members of an Election Board shall appear at the hour appointed for opening the polls, the qualified electors present shall elect a Board viva voce, as nearly as possible in conformity with the provisions hereof. (R. S. 1901 §6201.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

27. Poll Clerks.

5. Such Board of Election shall appoint as Poll Clerks two qualified electors of such precinct, one from each of the two parties that cast the largest vote in the State at the last general election: Provided, That if, four days or more prior to such election, the Chairman of the County Central Committee of either of the two parties that cast the largest number of votes in the State at the last general election shall designate a member of such party as Poll Clerk, such nominee shall be appointed. (R. S. 1901 §6202; R. S. 1897 §6492; R. S. 1894 §6202; E. S. §1327.)

28. Blank Forms.

6. The Auditor of each county in the State shall make out and cause to be delivered to the Inspectors of the several precincts in their respective counties, at least ten days previous to any election, a suitable number of blank forms of poll books, containing one column headed "Names of Voters," and an additional column headed "Number of Voters" [votes], and also forms of election returns, with the proper captions, forms of oaths, and forms of certificates and tally papers necessary to be used in all elections hereafter held in this State. (R. S. 1901, §6203; R. S. 1897, §6493; R. S. 1894, §6203; E. S., §1328.)

29. Officers' Oaths.

7. Before any election shall be opened, the Inspector and Judges shall each make oath to support the Constitution of the United States and of this State; to faithfully and impartially discharge the duties assigned by law; that they will not knowingly permit any person to vote who is not qualified, and not knowingly refuse the qualified vote of any elector, or cause any delay to persons offering to vote, further than is necessary to procure satisfactory information of the qualification of such person as an elector; that they will not disclose or communicate to any person how any elector voted or how any ballot was folded, marked or stamped; and that they are now and for one year next preceding have continued to be bona fide residents and freeholders, or bona fide householders, for at least two years, of the township in which such precinct is situated; and that they have nothing of value bet or wagered upon the result of said election, and are not candidates at said election, and that they are not related to any person to be voted for at said election within the degrees named in section three of this Act; which oath shall be in writing or printed, and shall be subscribed and executed before some person authorized by law to administer oaths, which officer shall attach thereto his jurat; and such oath shall then be attached to the poll book, and with it return [returned] to the Clerk's office of his county, as hereinafter provided.

Which oath shall be in the following form:

STATE OF INDIANA, }
 County. } ss.

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and of this State; that I will faithfully and impartially discharge the duties as Inspector or Judge of election assigned by law; that I will not knowingly permit any person to vote who is not qualified, and will not knowingly refuse the vote of any qualified elector, or cause any delay to persons offering to vote further than is necessary to procure satisfactory information of the qualification of such person as an elector; that I am now and have been continuously for one year next preceding this date a bona fide resident freeholder (or a bona fide resident householder for at least two years next preceding this date) of the township in which the precinct in which I am to act as a member of the Election Board is situated; and that I will not disclose or communicate to any person how any elector has voted at such election, or how any ballot has been folded, [or] marked or stamped;* that I have nothing of value

*The word "stamped" is repealed.

bet or wagered upon the result of said election, and am not a candidate at this election, and am not related to any person to be voted for at this election within the degree named in section three of the election law.

Subscribed and sworn to before me this.....day of.....

(R. S. 1901, §6204; R. S. 1897, §6494; R. S. 1894, §6205; E. S., §1329.)

30. Administering Oaths.

8. If no person present be authorized by law to administer the oath of office, the Inspector shall administer the same to the Judges, and one of such Judges shall then administer said oath to the Inspector. (R. S. 1901, §6205; R. S. 1897, §6495; R. S. 1894, §6205; E. S., §1330.)

31. Duties of Inspector.

9. The Inspector shall be Chairman of such Board, and before the reception of any votes shall administer an oath to the Clerks of the election that they will faithfully discharge their duties as such. After the organization of the Board of Election the Inspector may administer all necessary oaths which may be required in the discharge of its duties, and all oaths shall be written or printed, and shall be signed by the persons making such oaths in the presence of such Board of Elections, and the person administering such oaths shall affix his jurat thereto, and said affidavit shall be attached to and returned with the poll list to the office of the County Clerk. The oaths herein prescribed for the Clerk of Elections shall be in the following form, namely:

STATE OF INDIANA, }
.....County. } ss.

I do solemnly swear (or affirm, as the case may be) that I will faithfully and honestly discharge my duties as Clerk of the electionprecinct and..... ward (.....or..... township) in county, Indiana, and that I will not disclose or communicate to any person how any elector voted, or how any ballot was folded, [or] marked or stamped.*

.....
Subscribed and sworn to before me this.....day of.....

(R. S. 1901 §6206; R. S. 1897 §6497; R. S. 1894 §6207; E. S. §1331.)

*The word "stamped" is repealed.

32. Ballot Boxes.

10. The Board of County Commissioners of each county shall provide, at the expense of the county, two ballot boxes, one painted red, for the reception of the ballots prepared by the State Board of Election Commissioners, and one painted white, for the reception of the ballots prepared by the County Board of Election Commissioners for each precinct; each ballot box shall have at least two locks of different kinds and combinations, so that the key of one will not unlock the other, and be otherwise so constructed as to contribute toward the prevention of fraud. (R. S. 1901, §6207; R. S. 1897, §6497; R. S. 1894, §6207; E. S. §1332.)

33. Ballot Boxes, How Constructed—Keys.

11. An opening shall be made in the lid of each box sufficient only for a single ballot; and, at the time the election is opened, the Inspector and Judges shall see that there are no ballots in the box before the voting begins, and shall thereupon securely lock the box, and give one key to one of the Judges who is in politics opposed to the Inspectors, the Inspector retaining the other key; and the same shall not be again opened until the polls are closed, and the Board is ready to immediately proceed with the counting. (R. S. 1901, §6208; R. S. 1897, §6498; R. S. 1894, §6208; E. S. §1333.)

[Acts 1899, p. 539. In force April 28, 1899.]

34. Opening Polls—Closing.

12. The election shall be opened in the forenoon at the hour of six o'clock and continue open until four o'clock in the afternoon, after which the Board may close the election at any time, when all the electors have voted, or when fifteen minutes have passed without a vote having been tendered; but the polls shall, in no case, be kept open after six o'clock of the afternoon; and the polls shall not be closed after four o'clock and before six o'clock except by the unanimous consent of all the members of the Election Board; but whenever the polls are closed, proclamation must be made of the fact of such closing by the Inspector, to the people outside, in a loud and audible tone of voice, and a minute of such proclamation, and of the time when the same was made, must be entered on the tally papers by the Clerks, and after such minute has been made no more votes shall be received. (R. S. 1901, §6209.)

35. Where Elector Votes.

13. Each elector shall vote by ballot in the precinct where

he resides. (R. S. 1901, §6210; R. S. 1897, §6500; R. S. 1894, §6210; E. S. §1335.)

1. The remainder of this section and the amendment of 1891 (p. 350) were declared unconstitutional. *Morris vs. Powell*, 125 Ind. 281; and *Brewer vs. McClellan*, 144 Ind. 423.

[1897, p. 274. Approved March 8, 1897. In force April 14, 1897.]

36. Polling Precincts.

1. Any political or civic party, association or organization may, at any time prior to any general or other election, take a poll of voters qualified to vote at the next ensuing election, in any district, county, township, municipality, ward, precinct or precincts of the State: Provided, The chairman or president, or other chief officer of the party, association or organization, taking such poll shall issue to the person or persons employed in taking the poll a certificate showing the nature of such employment and the party, organization or association for which such poll is to be taken. (R. S. 1901, §6336; R. S. 1897, §6501.)

37. Giving Information to Poll-Takers.

2. It shall be the duty of every person to whom application is made for information in regard to such poll to furnish to the poll-taker, upon the exhibition of such certificate, all information in the possession of the person to whom application is made with regard to the names, residence, and other qualifications in regard to voting of any and every person within such district, county, township, municipality, ward or precinct; and it shall be the duty of every proprietor or manager of every boarding house, lodging house, restaurant, hotel, building or other place within which persons are lodged, to obtain a complete and accurate list of all legal voters domiciled in such boarding house, lodging house, hotel, or other place, not less than sixty days prior to each election, which list shall state the name, age, occupation, place of business, and place of previous residence, with the length of residence in the State, county, township, precinct and ward, of each person named thereon, and such list shall be retained by such owner or manager of such boarding house, lodging house, hotel or other building for the period of not less than forty days thereafter, and, upon application, shall be submitted to the inspection of each and every poll-taker who may demand the same. Every person who shall violate the provisions of this section may be fined in any sum not less than one dollar nor more than twenty-five dollars, to which may be added imprisonment in the county jail or workhouse for a period not exceeding ten days. (R. S. 1901, §6337; R. S. 1897, §6502.)

38. List of Voters.

3. It shall be the duty of each and every poll-taker so appointed to make a full, true and complete list of all persons whose names are reported to him as voters, with such comments as he may deem proper as to their respective qualifications. (R. S. 1901, §6338; R. S. 1897, §6503.)

39. Withholding Information—Penalty.

4. Any person who shall withhold any information in his or her possession from any poll-taker with regard to the qualifications of any voter or voters or other person or persons not entitled to vote, upon the demand of such poll-taker, shall be fined in any sum not less than one nor more than twenty-five dollars, to which may be added imprisonment not exceeding thirty days. (R. S. 1901, §6339; R. S. 1897, §6504.)

40. Deceiving Poll-Taker—Penalty.

5. Every person who shall knowingly furnish to any poll-taker any false information with regard to the qualifications of any person or persons for voting, or shall knowingly return to such poll-taker as voters any false names, or the names of any persons who are dead or are not voters shall be fined in any sum not less than one nor more than twenty-five dollars, to which may be added imprisonment in the county jail for a period not exceeding six months. (R. S. 1901, §6339a; R. S. 1897, §6505.)

41. Returning Fictitious Names—Penalty.

6. Every poll-taker who shall knowingly return the name of any person who is not entitled to vote in the precinct or district for which such poll is taken at the election immediately ensuing, or any fictitious name, or the name of any dead person, shall be fined in any sum not less than ten nor more than five hundred dollars, to which may be added imprisonment in the county jail or workhouse for a period not exceeding six months. (R. S. 1901, §6339b; R. S. 1897, §6506.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

42. Proclamation of Opening Polls.

14. Before receiving the ballot of any elector the Board of Election shall cause to be proclaimed that such election is opened. (R. S. 1901, §6211; R. S. 1897, §6507; R. S. 1894, §6211; E. S., §1336.)

[1891, p. 124. Approved March 6, 1891. In force June 3, 1891.]

43. "Election Sheriffs."

15. It shall be the duty of the Sheriff of each county to ap-

point, five days prior to each election, two special deputies for each precinct in the county, to be known as Election Sheriffs, who shall attend the polling places in their respective precincts from the opening of the polls to the conclusion of the count. It shall be their duty to preserve order at the polls and enforce the provisions of the election law under the direction of the Election Board, and make arrests on the demand of a member of the Board, or on affidavit, as hereinafter provided. One of such Election Sheriffs shall be chosen from each of the two parties that cast the largest number of votes in the State at the last general election; and if at least five days prior to such election the Chairman of the County Central Committee of either of such parties shall nominate a member of his party for Election Sheriff in any precinct, such nominee shall be appointed. If any Election Sheriff shall fail to appear at the opening of the polls, the member or members of the Election Board of his political party shall appoint a person to act in his place. Compensation of one dollar and fifty cents per day shall be allowed to each Election Sheriff by the Board of County Commissioners, but no such Election Sheriff shall be allowed for more days' service than members of the Election Board in the same precinct are allowed. No other peace officers of the State, or any division thereof, shall be allowed within fifty feet of the polls, except to serve process of Courts or to vote, unless summoned by the Election Sheriffs. No person other than the election officers shall remain within fifty feet of the polls, except when voting: Provided, That each political party may appoint one challenger and one poll-book holder for each precinct, who shall be entitled to stand at the sides of the chute next to the challenge window. Such challenger and poll-book holder shall be appointed in writing by the Chairman of the county or other local committee of their political party, and shall produce written appointments on demand of a member of the Election Board. It shall be lawful for a political party to pay such challenger and poll-book holder not more than three dollars for services at any election, but not more than one person of any one party shall be paid for services in either such capacity in any precinct, and no challenger or poll-book holder shall receive any compensation for such services, except from the political party he represents. (R. S. 1901, §6212; R. S. 1897, §6508; R. S. 1894, §6212.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

44. State Board of Election Commissioners.

16. The Governor of the State, and two qualified electors by him appointed, one from each of the two political parties that cast the largest number of votes in the State at the last preceding

general election, shall constitute a State Board of Election Commissioners. Such appointments shall be made at least thirty days prior to each general election, and if, prior to that time, the Chairman of the State Central Committee of either of such parties shall nominate in writing a member of his own party for such appointment, the Governor of the State shall appoint such nominee. In case of death or disability of either appointee, the Governor of the State shall notify the Chairman of the said Central Committee of such appointee's political party, and such Chairman may, within three days thereafter, recommend a successor, who shall thereupon be appointed: Provided, That if such Chairman shall fail to make recommendations of appointment within the time specified, the Governor of the State shall make such appointment of his own selection from such political party. It shall be the duty of said Board to prepare and distribute ballots and stamps for election of all officers for whom all the electors of the State are entitled to vote, in compliance with the provisions of the election law. The members of such Board shall serve without compensation. (R. S. 1901, §6213; R. S. 1897, §6509; R. S. 1894, §6213; E. S., §1338.)

45. County Board of Election Commissioners.

17. In each county in the State, the Clerk of the Circuit Court and two persons by him appointed, one from each of the two political parties that cast the largest number of votes in the State at the last general election, shall constitute a County Board of Election Commissioners. Said appointments shall be made in all respects as appointments to the State Board of Election Commissioners are required to be made by the Governor of the State, except that the privilege of nomination shall belong to the Chairman of the County Central Committees of the two parties aforesaid. It shall be the duty of such Board to prepare and distribute ballots for election of all officers to be voted for in such county other than those who are to be voted for by all the electors of the State, in compliance with the provisions of this Act. The members of such Board shall serve without compensation. (R. S. 1901, §6214; R. S. 1897, §6510; R. S. 1894, §6214; E. S., §1339.)

46. Board's Duties.

18. The said Board of Election Commissioners shall cause to be printed on the respective ballots the names of the candidates nominated by the conventions of any party that cast one per cent. of the total vote of the State at the last preceding general election, as certified to said Boards by the presiding officer and secretary of such convention, or in case of primary election, by the chairman

and secretary of any county or township committee; and also the names of any candidates for any office when petitioned so to do by electors qualified to vote for such candidates, as follows: For a State officer, or any officer for whom all the electors of the State are entitled to vote, five hundred petitioners; for a representative in Congress from any Congressional District, two hundred petitioners; for a county officer, member of the General Assembly, Circuit Judge or Prosecuting Attorney, twenty-five petitioners; for an officer of a township, ward or other division less than a county, twenty petitioners. The signatures to such petition need not be appended to one paper, but no petitioner shall be counted, except his residence and postoffice address be designated. Such petition shall state the name and residence of each of such candidates; that he is legally qualified to hold such office; that the subscribers desire and are legally qualified to vote for such candidates; and may designate a brief name or title of the party or principle which said candidates represent, together with any simple figure or device by which they shall be designated on the ballots. The certificate of nomination by a convention or primary election shall be in writing, and shall contain the name of each person nominated, his residence and the office for which he is nominated, and shall designate a title for the party or principle which such convention or primary election represents, together with any simple figure or device by which its list of candidates may be designated on the ballots; said certificate shall be signed by the presiding officer and secretary of such convention, or by the chairman and secretary of the county, city or township committee, who shall add to their signatures their respective places of residence, and acknowledge the same before an officer duly authorized to take acknowledgments of deeds. If the certificate of nomination of any State convention shall request that the figure or device selected by such convention be used to designate the candidates of such party on the ballots for all elections throughout the State such figure or device shall be so used until changed by request of a subsequent State convention of the same party. Such device may be the figure of a star, an eagle, a plow, or some such appropriate symbol, but the coat of arms or seal of the State or of the United States, the national flag, or any other emblem common to the people at large shall not be used as such device. A certificate of such acknowledgment shall be appended to such instrument. In case of death, resignation or removal of any candidate subsequent to nomination, unless a supplemental certificate or petition of nomination be filed, the chairman of the State, county, city or township committee shall fill such vacancy. In case of a division in any party, and claim by two or more factions to the same party

name, or title, or figure, or device, the Board of Election Commissioners shall give the preference of name to the convention held at the time and place designated in the call of the regularly constituted party authorities, and if the other faction shall present no other party name, title or device the Board of Election Commissioners shall select a name or title, and place the same before the list of candidates of said faction on the ballot, and select some suitable device to designate its candidates. If two or more conventions be called by authorities claimed to be the rightful authorities of any party, the proper Board of Election Commissioners shall select some suitable devices to distinguish one faction from the other, and print the ballots accordingly: Provided, however, That if any political party entitled to nominate by convention shall in any case fail to do so, the names of all nominees by petition for any office who shall be designated in their petitions as members of and candidates of such party, shall be printed under the device and title of such party on the ballots, as if nominated by convention. Certificates and petitions of nomination of candidates for offices to be voted [for] by the electors of the entire State shall be filed with the Governor of the State. Certificates and petitions of nomination of candidates for offices to be voted for by electors of any district or division of the State exclusively shall be filed with the Clerks of the Circuit Courts of the counties or county included in or including such district or division. (R. S. 1901, §6215; R. S. 1897, §6511; R. S. 1894, §6215; E. S. §1340.)

[Acts 1905, p. 193.]

47. Signatures to Petition Must Be Acknowledged.

12. No name upon any petition for nomination shall be considered by the city or county Board of Election Commissioners unless the same be signed by the petitioner in person or by his mark duly attested, and no petition for nomination shall be effectual to authorize the name petitioned for to appear upon the official ballot unless the signatures of such petition to the number required by law shall be duly acknowledged before some officer authorized to take acknowledgments. (R. S. 1905, §6275f.)

48. Nominating Petitions.

19. [This section is superseded by Sec. 55.]

[1889, p. 157. Approved May 6, 1889. In force May 10, 1889.]

49. Preservation of Petitions.

20. The Governor of the State and County Clerks shall cause to be preserved in their respective offices all certificates and petitions of nominations filed therein under the provisions of this

Act for six months after the election for which such nominations were made. (R. S. 1901, §6217; R. S. 1897, §6513; R. S. 1894, §6217; E. S. §1342.)

50 When to Be Filed.

21. Certificates and petitions of nomination filed with the Governor of the State shall be filed not more than sixty days, and not less than twenty days, before the day fixed by the law for the election of the persons in nomination. Certificates and petitions of nomination herein directed to be filed with the Clerk of a county shall be filed not more than sixty and not less than fifteen days before election. (R. S. 1901, §6218; R. S. 1897, §6514; R. S. 1894, §6218; E. S. §1343.)

51. Governor's Certificate.

22. Not less than eighteen days before an election of the State to fill any public office for which all the electors are entitled to vote the Governor of the State shall certify to the County Clerk of each county the name and the place of residence of each person nominated for such office, as specified in the certificates and petitions of nominations filed with the Governor of the State, and shall designate therein the device under which the group or list of candidates of each party will be printed, and the order in which they will be arranged. (R. S. 1901, §6219; R. S. 1897, §6515; R. S. 1894, §6220; E. S. §1344.)

1. The next section of the original act is repealed. It was Section 23. See 1891, p. 126; 1893, p. 154.

52. Resignations of Nominees.

24. The Governor of the State shall not certify the name of a candidate whose certificate of nomination shall have been filed in his office who shall have notified him in a writing signed and executed with the formalities prescribed for the execution of an instrument to entitle it to record that he will not accept the nomination contained in the certificate or petition of nomination. The County Clerk shall not include in the publication to be made according to section twenty-three hereof the name of any candidate whose certificate or petition of nomination shall have been filed in his office who shall have notified him in like manner that he will not accept the nomination. The names of such candidates shall not be included in the names of the candidates to be printed in the ballots as hereinafter provided. (R. S. 1901, §6220; R. S. 1897, §6516; R. S. 1894, §6220; E. S. §1346.)

53. Constitutional Amendments.

25. Whenever a proposed constitutional amendment or other question is to be submitted to the people of the State for popular

vote, the Secretary of State shall duly, and not less than thirty days before election certify the same to the Clerk of each county in the State, and the Clerk of each county shall include the same in the publication provided for in section 23 in this Act. (R. S. 1901, §6221; R. S. 1897, §6517; R. S. 1894, §6221; E. S. §1347.)

[1897, p. 49. Approved February 23, 1897. In force April 14, 1897.]

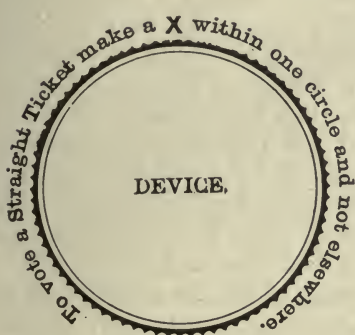
54. Form of Ballots.

1. The Board of Election Commissioners of the State of Indiana, the Boards of Election Commissioners of the several counties of the State and the Board of Election Commissioners of the several cities and towns of the State of Indiana shall cause the names of all candidates of their respective jurisdictions to be printed on one ballot, all nominations of any party or group of petitioners being placed under the title and device of such party or petitioners as designated by them in their certificate or petition, or if none be designated, under some title and device. The ballots shall be of uniform size and of the same quality and color of paper, and sufficiently thick that the printing can not be distinguished from the back. All ballots prepared by the State Board of Election Commissioners shall be printed on red tinted paper, and put up in blocks of one hundred each. All ballots prepared by the County Boards of Election Commissioners shall be printed on white paper, except the ballots to be used in the election of township officers shall be printed on yellow paper. If the same device for designating candidates be selected by two parties or groups of petitioners, it shall be given to the one which first selected it, and a suitable device shall be selected for the other. The device named and list of candidates of the Democratic party shall be placed in the first column on the left-hand side of said ballot; and of the Republican party in the second column; and of any other party in such order as the Board of Election Commissioners shall decide. The device of each party shall be enclosed in a circle of not less than one and one-half inches in diameter, and shall be placed at the head of the list of candidates of the party, and the following words shall be printed around the outer edge of each of said circles, to wit:

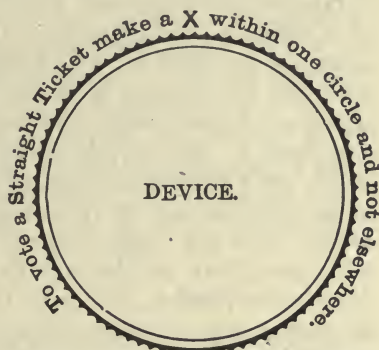
"To vote a straight ticket make a X [within] in one circle and not elsewhere."

Immediately under it shall be placed the name or title of the party ticket, and immediately under the name or title the list of candidates of the party, such names being placed three-fourths of one inch apart from center to center of the name, the name of each candidate having immediately on its left a square three-

eighths of an inch on each side, and the general arrangement of the ballots shall conform as near as possible to the following:



DEMOCRATIC TICKET.



REPUBLICAN TICKET.



For Governor,
BENJAMIN F. SHIVELEY.



For Governor,
JAMES A. MOUNT.

(R. S. 1901, §6222; R. S. 1897, §6518.)

55. Nominee's Name on Ballot but Once.

2. If any certificate or petition of nomination shall contain the name of more than one candidate for any office to be filled, neither name shall be printed as a candidate for such office. If any person shall join in nominating by petition more than one nominee for any office to be filled such person shall not be counted as a petitioner for either nomination. The name of any person who has been selected or nominated as a candidate for any office, by convention, petition or otherwise, shall not appear in more than one place, and but once upon a ballot. If any person has been nominated as a candidate for the same office, both by petition and by convention, his name shall be placed on the ballot but once, to wit: In the list of candidates nominated by such convention; and the place occupied by his name in such petition shall be left blank: Provided, That if such candidate shall, in writing, signed and acknowledged before some person authorized to take acknowledgments, prior to the last day for filing nominations, request that his name be printed as nominated by petition, it shall be so printed, and shall be omitted from the list nominated by convention. (R. S. 1901, §6216; R. S. 1897, §6519.)

56. Candidate to Elect Nomination.

5. Whenever any person has been nominated by two or more parties either by convention, petition or otherwise, he shall

make his election as to which of such nominations he will accept, in writing signed and acknowledged before some officer authorized to take acknowledgments, and file the same with the proper Board of Election Commissioners. Where a person has been so nominated for an office for which all electors of the State may vote, he shall file his election with the State Board of Election Commissioners, not more than sixty nor less than twenty days, before the day fixed by law for the election of the persons in nomination; and when a person has been so nominated for an office, wherein it is required by law to file the certificate or petition of such nomination, with the County Clerk, he shall make and file his election with the Clerk of the county in which nomination is made, if for a county office, and with the clerks of all the counties of the district if for a district office, not more than sixty days nor less than fifteen days before election. And if a person so nominated shall not make and file his election as herein provided, with the proper Board of Election Commissioners, said board shall make such election for him, giving preference to the nominations made by conventions. And after such election is made, the Board of Election Commissioners shall place the name of such person in the list of nominees under the party name and device as indicated by him or the Board of Election Commissioners, and under no other device and not elsewhere upon the ballot. (R. S. 1901, §6220b; R. S. 1897, §6520.)

57. Resignations of Candidates—Vacancy.

4. If any candidate whose nomination has been certified according to law shall wish to resign from such ticket, he shall file his resignation in writing with the officer with whom such certificate of nomination was filed within three days after the filing of such certificate of nomination, and any resignation filed after the time mentioned in this section shall not be considered by the Board of Election Commissioners: Provided, That no resignation shall be filed with or received by the State Board of Election Commissioners within twenty days immediately preceding an election. And that no resignation shall be filed with or received by any County Board of Election Commissioners within fifteen days immediately preceding an election: Provided, further, That should any vacancy on the ticket occur by reason of the death of any candidate whose name has been legally certified, such vacancy shall be filled as now provided by law. (R. S. 1897, §6521.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

58. Vacancy in Nominations.

27. In case of the death, removal or resignation of any candidate after the printing of such ballots and before such election,

it shall be lawful for the chairman of the State, district or county political organization of which such candidate was a member to make a nomination to fill such vacancy, and provide the Election Board of each precinct in which such candidate is to be voted for with a number of pasters containing only the name of such candidate at least equal to the number of ballots provided each precinct, but no pasters shall be given to or received by any one except such Election Board and such chairman, and it shall be the duty of the Polling Clerk to put one of such pasters, in a careful and proper manner and in the proper place, on each ticket before they shall sign their initials thereon. (R. S. 1901, §6223; R. S. 1897, §6522; R. S. 1894, §6223; E. S., §1349.)

59. Printer's Duties—Penalty.

28. If the printer of such ballots, or any person employed in printing the same, shall give or deliver, or knowingly permit to be taken, any of said ballots by any person other than a member of the Board of Election Commissioners for which such ballots are being printed, or shall print or cause or permit to be printed any ballot in any other form than the one prescribed by this Act, or with any other names thereon, or with the names spelled or the names or devices thereon arranged in any other way than that authorized and directed by the said Board of Election Commissioners, he shall be guilty of felony, and on conviction thereof shall be imprisoned in the State penitentiary not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1901, §6224; R. S. 1897, §6523; R. S. 1894, §6224; E. S., §1350.)

[1891, p. 124. Approved March 6. 1891. In force June 3. 1891.]

60. Distributing Ballots.

29. It shall be the duty of each County Clerk to appear in person, or by specially authorized deputy, bearing credentials given under the seal of the Circuit Court, at the office of the Governor of the State not more than sixteen nor less than ten days prior to each general election, and the State Board of Election Commissioners shall thereupon deliver to the said Clerk ten ballots for every five voters and a fraction thereof in each precinct of his county at the last presidential election, or if a new precinct has been established in such county, ten ballots for every five voters of the estimated vote as reported by the Board of County Commissioners: Provided, however, That if it shall be made to appear by the affidavit of such Clerk that any precinct has so increased in population as to have fifty per cent. more voters than at the last presidential election, or at the time of estimate by the Board of County Commissioners, the State Board of Election Com-

missioners shall deliver to him two ballots for every voter so declared by him under oath to be resident in said precinct. The ballots shall, in the presence of the Clerk, be wrapped and tied in packages, plainly marked, one for each precinct, and securely sealed with wax, and the Clerk shall give his receipt for the same. And for the safe sealing of such ballots such Board shall provide itself with a seal of such design as it may deem proper, but the same design shall not be used for any two consecutive elections. The State Board of Election Commissioners shall also provide and inclose in each of said sealed packages three [pencils]* stamps bearing a **X** or such other device as they may select, together with the ink-pads or other necessary apparatus ready for use. In addition to the precinct packages, the State Board of Election Commissioners shall deliver to each Clerk a package, wrapped and sealed in his presence, containing two thousand State ballots, and twelve [pencils] stamps* with their necessary ink-pads, which package shall remain in the custody of the County Board of Election Commissioners and shall not be opened by them except for the purpose of supplying a precinct whose ballots or stamps [pencils] have been lost or destroyed, on due showing of such fact as hereinafter provided. The State Board of Election Commissioners shall, from time to time, certify to the Auditor of State the necessary expenses of the preparation and distribution of the State ballots and [pencils] stamps, and the Auditor shall audit and issue his warrants for the same, which shall be paid out of any funds in the State treasury not otherwise appropriated. (R. S. 1901, §6225; R. S. 1897, §6524; R. S. 1894, §6225.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

61. Clerk's Allowance—Special Messenger.

30. An allowance shall be made to the Clerk by the Board of County Commissioners of five cents per mile for the distance necessarily traveled in going to and returning from the office of the Governor of the State; but in case said Clerk of any county shall fail to appear at the office of the Governor of the State by the close of the tenth day prior to the election, the State Board of Election Commissioners shall forthwith dispatch a special messenger to such county with the ballots for the county; which messenger, before receiving such ballots, shall take and subscribe to an oath, to be administered to him by the Secretary of State,

*The words "stamps bearing a cross (X) or such other device as they may select, together with ink-pads" are repealed—only pencils are now distributed with the ballots.

*The words "stamps with necessary ink-pads" are repealed—only pencils are now distributed with the ballots.

which oath shall be filed with said Board of Election Commissioners, and shall be in the words following:

STATE OF INDIANA, }
County. } ss.

I,, swear (or affirm, as the case may [be]) that I will take charge of the election ballots delivered to me by the State Board of Election Commissioners for the county of, and will safely deliver said ballots in sealed packages, and in the same condition as received by me, to the Clerk of said county at the earliest time that I can reach the county seat of said county. So help me God.

Subscribed and sworn to before me this day of
, 19..

And in such case said messenger shall be allowed three dollars per day for the time necessarily employed, and three cents per mile for the distance necessarily traveled by him, which allowance shall be certified to the Treasurer of such county, and deducted from the first moneys thereafter accruing to such Clerk payable by the Treasurer. The amount so deducted shall be remitted by the County Treasurer to the Treasurer of State. (R. S. 1901, §6226; R. S. 1897, §6525; R. S. 1894, §6226; E. S. §1352.)

62. Permitting Ballots to Be Taken Away—Penalty.

31. If any member of the Board of Election Commissioners shall give or deliver to any other person any of said ballots, or shall permit any of them to be taken away, except as herein provided, he or they shall be guilty of a felony, and on conviction shall be punished by imprisonment in the State penitentiary for not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1901, §6227; R. S. 1897, §6526; R. S. 1894, §6227; E. S. §1353.)

63. Taking Ballots Away—Penalty.

32. If any person shall take or remove in any manner feloniously or with the consent or permission of the custodian for the time, from any place where they may lawfully be under this Act, any of such ballots or stamps [pencils], or be found in custody or possession of such ballots or stamps (except as an official or custodian under this Act, or while within the polling place for the purpose of voting); or if any such custodian or official shall consent to, or permit, any of such ballots or stamps [pencils] to be removed or carried away from the place where they may lawfully be by any person, except an official or custodian under this

Act whose duty it is to receive the same, such person, custodian or official shall be deemed guilty of a felony, and on conviction shall be punished by imprisonment in the penitentiary at hard labor for not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1901, §6228; R. S. 1897, §6527; R. S. 1894, §6228; E. S. §1354.)

64. Distribution of Ballots.

33. It shall be the duty of each Election Inspector, or in case he can not attend, some other member of the Election Board authorized in writing by the Inspector, to appear at the office of the Clerk of the Circuit Court of his county not more than three nor less than two days before each election, and the County Board of Election Commissioners shall deliver to him the sealed package of ballots and the stamps provided for his precinct by the State Board of Election Commissioners, and also ten of the local ballots printed under the direction of the County Board of Election Commissioners for each five or fraction thereof of the number of votes cast at such precinct at the last presidential election; or if a new precinct for each five or fraction of five voters, as estimated by the County Commissioners: Provided, however, That in case it be made to appear by affidavit of such Inspector that the number of voters in his precinct has increased more than fifty per cent. since the last presidential election or estimate by the Board of County Commissioners, there shall be delivered to him two ballots for each voter so declared under oath by him to reside in the precinct. The local ballots shall be wrapped and tied in packages and securely sealed with wax in the presence of said Inspector or his representative, who shall receipt for the same; and for the safe sealing of such ballots the County Board of Election Commissioners shall provide themselves with a seal of such design as they may deem proper, but the same design shall not be used at any two consecutive elections, and said packages shall not be opened until delivered to the Election Board of the respective voting precincts to which they are directed, and said Boards shall be fully organized and ready for the reception of votes, as in this Act provided. (R. S. 1901, §6229; R. S. 1897, §6528; R. S. 1894, §6229; E. S. §1355.)

[1897, p. 49. Approved February 23, 1897. In force April 14, 1897.]

65. Opening Packages—Clerk's Initials.

8. At the opening of the polls, after the organization of and in the presence of the Election Board, the Inspector shall open the packages of ballots in such a manner as to preserve the seals intact. He shall then deliver to the poll clerk of the opposite political party from his own twenty-five each of the State and

local ballots; and to the other poll clerk a blue pencil for marking the ballots. The poll clerks shall at once proceed to write their initials in ink on the lower left-hand corner of the back of each of said ballots in their ordinary handwriting, and without any distinguishing mark of any kind. As each successive elector calls for a ballot the poll clerks shall deliver to him the first signed of the twenty-five ballots of each kind; and the Inspector shall immediately deliver to the poll clerks another ballot of each kind, which the poll clerks shall at once countersign as before, and add to the ballots already countersigned so that it shall be delivered for voting after all those theretofore countersigned. (R. S. 1901, §6230; R. S. 1897, §6529.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

66. Cards—Instructions—Posting Up Ballots.

35. The County Board of Election Commissioners of each county shall cause to be printed in large type on cards, in English and such other language as they deem necessary, instructions for the guidance of electors in preparing their ballots. They shall furnish twelve of such cards in each of the languages determined upon by them to each of the Election Inspectors at the same time they deliver to him the ballots for his precinct. Each Inspector shall cause to be posted one of each of said cards in each place or compartment provided for the preparation of ballots, and one of each kind of such cards at or near to the outer end of the chute leading to the polling place, and not nearer than fifty feet of the polling place, and not less than three of each of such cards, and three samples of each of the State and local ballots in and about the polling place at the opening of the polls on the day of election, which sample ballots shall be printed on different colored paper than the genuine ballots. Said cards shall contain full instructions to the voters as to what must be done: First, to obtain ballots for voting; second, to prepare the ballots for voting; third, to obtain a new ballot in place of one accidentally defaced, mutilated or spoiled; also copies of sections forty-three, fifty, fifty-five, fifty-six, fifty-nine and sixty of this Act. (R. S. 1901, §6231; R. S. 1897, §6530; R. S. 1894, §6231; E. S., §1357.)

67. Special Messenger.

36. In case any Inspector or his representative shall fail to appear at the office of the County Clerk by the close of the second day prior to any election, the County Board of Election Commissioners shall forthwith dispatch a special messenger to his precinct with the ballot and stamps [pencils] for such precinct. Such messenger shall be allowed two dollars for his time and five

cents per mile for the distance necessarily traveled by him, and shall promptly report to such Clerk and file with him the receipt of the person to whom he delivered such ballots and stamps, and his affidavit stating when and to whom he delivered such ballots and stamps [pencils], and such Inspector shall receive no compensation for his services at such election. (R. S. 1901, §6232; R. S. 1897, §6531; R. S. 1894, §6232; E. S., §1358.)

68. Failure of Inspector to Appear.

37. Any Inspector who shall wilfully or negligently fail to appear at the Clerk's office, in person or by representative, as herein provided, shall be guilty of [a] misdemeanor, and on conviction shall be fined not less than ten dollars nor more than one hundred dollars, and shall thereafter be incompetent to serve as an Inspector. (R. S. 1901, §6233; R. S. 1897, §6532; R. S. 1894, §6233; E. S., §1359.)

69. Ballots Lost.

38. If by any accident or casualty the ballots delivered to any clerk, inspector, or other messenger shall be lost or destroyed, it shall be the duty of such person in custody to report the loss at once to the Board of Election Commissioners from which the same were obtained, and make affidavit of the circumstances of the loss, whereupon such Board shall at once re-supply such person. In case such person in custody fails or refuses to report and make proof of the loss, any qualified elector may do so, and thereupon such Board shall at once send a new supply by special messenger, as provided in other cases. In case, for any reason, there should be found no ballots or other necessary means or contrivances for voting at the opening of the polls, it shall be the duty of the Election Board to secure the same as speedily as possible, and, if necessary, such Board may have ballots printed: Provided, however, That such ballots shall conform as nearly as possible to the genuine ballots, and the printing and the care of the same shall be under the same provisions and penalties as the printing and care of the other ballots prescribed in this Act. (R. S. 1901, §6234; R. S. 1897, §6533; R. S. 1894, §6234; E. S., §1360.)

70. Destroying Ballots Not Used—Record.

39. The various Boards of Election Commissioners shall preserve the ballots that are left over in their hands after supplying the precincts as hereinbefore provided, until 6 o'clock p. m. of the day of election, and shall then count and destroy, by totally consuming by fire, all of such ballots but one, which shall be securely pasted in the election record immediately preceding the place where the vote is to be recorded. They shall also cause to

be entered below such ballot the number of ballots printed by them, the number delivered to each messenger and the number destroyed by them. (R. S. 1901, §6235; R. S. 1897, §6534; R. S. 1894, §6235; E. S., §1361.)

[1897, p. 49. Approved February 23, 1897. In force April 14, 1897.]

71. Rooms—Booths.

6. It shall be the duty of the County Commissioners in each county before each election to provide for and secure in each precinct of the county a suitable room in which to hold the election, and to have placed therein a railing separating the part of the room to be occupied by the Election Board from the remainder of the room, and also three booths, or compartments, in which electors shall mark their ballots, screened from observation, each containing a counter or shelf. Booths shall be so constructed and arranged that all the members of the Election Board can see whether more than one voter enters any one of such booths at one time, and each and every member of any Election Board allowing any booth or compartment, in which an elector is preparing his ballot, to be used without a screen or such screen being so arranged as not to shield the preparation of the ballot from observation, shall upon conviction therefor, be fined for each offense in any sum not exceeding one hundred dollars (\$100) nor less than five dollars (\$5), to which may be added imprisonment in the county jail not exceeding nin[e]ty days. The portion of the room set apart for the Election Board shall include a window, at which the voter shall appear for challenge, and such voter shall immediately announce his full and true name to the challengers. The Board of County Commissioners shall also provide for each precinct a chute or passage with a railing, rope or wire on each side commencing fifty feet away from and leading to such polling place, passing such window for challenge and thence to the entrance of the room in which the election is held. The expenses of such preparation shall be defrayed as other expenses of the county by the Board of County Commissioners. No election shall be held in a room in which spirituous, vinous, malt or other intoxicating liquors are kept or sold. (R. S. 1901, §6236; R. S. 1897, §6535.)

[1899, p. 60. Approved February 17, 1899. In force April 28, 1899.]

72. Challengers—Who May Stand Near Polls.

41. One challenger and one poll-book holder, appointed and designated by each party organization, shall be entitled to stand at the sides of the chute near the challenge window. No other person shall remain within fifty feet of the same, except for the purpose of offering his vote; and voters shall approach and enter

the chute in the order in which they appear for the purpose of voting. If any person offering to vote shall be challenged by one of such challengers or by any member of the Election Board, he shall stand aside and shall not be entitled to vote unless he makes affidavit in writing that he is a qualified and legal voter of the precinct, and in such affidavit sets forth his name, residence, occupation, place or places of residence during the six months prior to the election, with the date of any removal within that time, and the names of two persons who have personal knowledge of his residence in the precinct thirty days and the township sixty days, and shall, in case he be a person required by this Act to be registered, also produce the necessary certificate of registration provided for in this Act. He shall then be allowed to vote, unless the challenger or some qualified voter of the precinct make affidavit in writing that he knows or is informed and verily believes that the person offering to vote is not a legal voter in the precinct; and if the affidavit be on information and belief, he shall set forth the names of the person or persons from whom such information was obtained, and the person offering to vote shall not thereafter be allowed to vote, except one qualified voter of the precinct, who has been a freeholder and resident householder in the precinct for at least one year or a resident householder for two years next preceding such election shall make affidavit or affirmation in writing that of his personal knowledge such person offering to vote is a legal voter at the precinct: Provided, That if the person offering to vote shall make affidavit that there is no person of his political party residing in the precinct who has been a freeholder or resident householder as provided for in this Act, then the affidavit or affirmation of any qualified voter shall be accepted by said Election Board: Provided further, That if such person so offering to vote be challenged solely or for the additional reason that he is not a citizen of the United States, then such person so challenged for such reason shall take and subscribe the following oath:

I do solemnly swear (or affirm, as the case may be) that I have resided in the United States one year, and have declared my intention of becoming a citizen thereof in conformity with the laws thereof.

.....

The other affidavits herein referred to shall be in the following form:

I do solemnly swear (or affirm, as the case may be) that I am a citizen of the United States; that I am now over the age of twenty-one years, to the best of my information and belief; and that I have been a bona fide resident of this State for six months immediately preceding this election; that I have resided in the township sixty days, and in the precinct thirty days, and that I am a bona fide resident of this precinct; that I am generally known by the name in which I now desire to vote, which is.....; that I have not voted and will not vote in any other

precinct in this election; that my occupation is.....; that my present residence is.....(if in the city or town give the street or number), and that during the last six months prior to this election I have resided at..... I have removed from to on the following date.....; and that and have personal knowledge of my residence in the precinct thirty days and in the township sixty days.

I do solemnly swear (or affirm, as the case may be) that there is no legal voter in this precinct who has been a freeholder and resident householder in the precinct for one year, or a resident householder for two years next preceding this election, belonging to the same political party to which I belong and whose candidates I wish to support.

I swear that I am informed and believe that....., now offering to vote, is not a legal voter in this precinct, and that I obtained such information from and

I do solemnly swear (or affirm, as the case may be) that I am a qualified voter in this precinct; that, who now desires to vote, has resided in this State for six months immediately preceding this election; that he has resided in this township sixty days, and in this precinct thirty days, at; that he is now a bona fide resident of this precinct and a legal voter therein. These facts I know of my own personal knowledge.

I do solemnly swear (or affirm, as the case may be) that I am a qualified voter in this precinct; that I have been a freeholder and resident householder in this precinct for one year, or a resident householder for two years next preceding this election; that, who now desires to vote, has resided in this State for six months immediately preceding this election; that he has resided in this township sixty days, and in this precinct thirty days, at; that he is now a bona fide resident of this precinct and a legal voter therein. These facts I know of my own personal knowledge.

(R. S. 1901, §6237.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

73. Arrest of Illegal Voter.

42. If at any time during the election any qualified elector shall make affidavit before the Inspector that any person who has voted is an illegal voter in such precinct, the person accused shall at once be arrested by the election sheriffs and by them delivered to the civil authorities. Immediately after the close of the election the Inspector shall deliver such affidavit to some Justice of the Peace in the township, who shall proceed thereon as if the affidavit had been made before him. (R. S. 1901, §6238; R. S. 1897, §6537; R. S. 1894, §6238; E. S., §1364.)

74. Perjury, False Affidavit.

43. Whoever shall knowingly or wilfully make a false affidavit, under any of the provisions of this Act, shall be deemed guilty of perjury. (R. S. 1901, §6239; R. S. 1897, §6538; R. S. 1894, §6239; E. S., §1365.)

[1891, p. 124. Approved March 6, 1891. In force June 3, 1891.]

75. Election Holidays—Preventing Employes Voting.

44. No person entitled to vote at any general, National, State or county election shall be employed upon the day on which such election shall be held in any manufacturing, mining, mechanical or mercantile establishment or any railroad corporation in this State during the period of four hours after the opening of any election in the county in which such person is entitled to vote, except as to works of necessity, in which works of necessity every employe shall be given some period of four hours between the opening and closing of the polls on said day; and any Circuit Court may enforce the provisions of this section in term time or in vacation by mandate, or otherwise, upon the application of any voter: Provided, however, That in any such establishment or corporation the employer or employes may agree on any four hours between the opening and closing of the polls that will be most convenient. Every officer of any corporation, owner, superintendent, overseer or foreman, who employs or permits to be employed any person in violation of this section, shall be guilty of a misdemeanor, and fined not less than fifty nor more than five hundred dollars. (R. S. 1901, §6240; R. S. 1897, §6539; R. S. 1894, §6240.)

[1897, p. 49. Approved February 23, 1897. In force April 14, 1897.]

76. Manner of Voting.

3. When a voter shall have been passed by the challengers or shall have been sworn in, he shall be admitted to the election room: Provided, however, That not more than three voters shall be allowed in the room at one time. On entering the room the voter shall announce his name to the Poll Clerks, who shall register it. The Clerk holding the ballots shall deliver to him one State and one local ballot, and the other Clerk shall thereupon deliver to him a blue pencil, and both Poll Clerks, on request, shall give explanation of the manner of voting. If deemed necessary by any member of the Board an interpreter may be called. The voter shall then, and without leaving the room, go alone into any one of the booths which may be unoccupied and indicate the candidates for whom he desires to vote by making a cross, thus **X** on the square immediately preceding their names, and indicate his preference on any question of constitutional amendments or other special matter by a similar mark in front of the words "yes" or "no" under such questions: Provided, however, That if he shall desire to vote for all the candidates of one party or group of petitioners he may mark in the large circle inclosing the device and preceding the title under which the candidates of such party or

group of petitioners are printed, and the vote shall then be counted for all the candidates under that title. If the voter marks on the large circle inclosing the device he shall not mark elsewhere on the ballot, unless there be no candidate for some office in the list printed under such device, in which case he may indicate his choice for such office by marking the square to the left of the name of any candidate for such office on any other list. A mark on the ballot in violation of this provision shall be treated as a distinguishing mark. If a pencil mark touches a circle or a square it shall be counted on such circle or square, but a mark that touches no circle or square shall be treated as a distinguishing mark. Before leaving the booth or compartment the voter shall fold his ballots separately so that no part of the faces thereof shall be exposed, and so that the initials of the Poll Clerks shall be exposed, and on leaving the booth or compartment shall return the pencil to the Poll Clerk and deliver the ballots to the Inspector, or to the Judge who may temporarily be authorized to act for him, who shall forthwith, in the presence of the voter and of the Election Board, deposit the same in the respective boxes, the State ballot in the red ballot box, and the local ballot in the white ballot box; and the Ballot Clerks shall write the word "voted" after the name of the voter on the poll lists: Provided, however, That if an elector shall show his ballot or any part thereof to any other person, after the same shall have been marked, so as to disclose any of the candidates voted for, such ballots shall not be deposited in the ballot box. A minute of such occurrence shall be made on the poll list and such person shall not be allowed to vote thereafter. If a voter shall offer to vote a ballot so folded as not to disclose the initials of the Poll Clerks and also not disclosing the face of the ballot, the Election Board shall direct him to return to the booth and fold his ballot properly. After voting the voter shall leave the room, but no voter to whom a ballot and pencil, or either, have been delivered shall be permitted to leave the room without voting the ballots or returning them to the Poll Clerk, or without returning the pencil to the Poll Clerk from whom he received it. It shall be unlawful for any voter to attempt to leave the room with a ballot or the pencil used in marking ballots in his possession. And any voter who shall attempt to leave the room with a ballot or such pencil in his possession shall be at once arrested on demand of any member of the Election Board (R. S. 1901, §6241; R. S. 1897, §6540.)

[1891, p. 130. Approved March 6, 1891. In force June 3, 1891.]

77. "Paster Ballots."

46. In addition to the State and local ballot which the Clerk is to deliver to the voter in the election room under the provi-

sions of section 45 of the Acts of which this Act is an amendment, the voter may take with him into the booth a printed ballot or ballots of his own selection or preparation to be known as a paster ballot or ballots, and designed to be pasted upon either such State or local ballot, or upon each of them. If such paster ballot is designed to be pasted upon the State ballot, it shall be in the nature of a complete ticket and shall contain a complete list of all offices to be filled at the election where used by the vote of the electors of the whole State, and shall contain the name of one person for each and every one of such offices. If such paster ballot is designed to be pasted upon the local ballot it shall be in the nature of a complete ticket, and contain a complete list of all offices to be filled at such election for the filling of which the electors of the county where used are entitled to vote other than offices which are filled by the vote of the electors of the whole State, and it shall also contain the name of one person for each and every one of such offices in such list. The said paster ballots shall be in the form indicated as follows:

For Governor,
COURTLAND C. MATSON.

For Lieutenant-Governor,
WILLIAM R. MYERS.

They shall be printed in plain black ink upon white paper. The paper shall not be more than two inches in width, and of sufficient length to contain the complete list of offices and names as above specified. The names of the persons upon said list, as well as of the offices, shall be printed one below another in the manner above indicated. The distance from the center of the name of any person in such list to the center of the name of the person immediately below in such list shall be three-fourths of an inch, in order that the names in such list when pasted upon the State or local ballot will conform to the squares thereon. Such pasters shall contain no heading, no printing save as above indicated, no writing, no blank nor any distinguishing marks of any kind whatever. Such paster ballot may be gummed upon the back and pasted upon the State or local ballot accordingly as it is designed in such manner as that the squares upon the State or local ballot to the left of any list of names printed thereon will come immediately to the left of, and opposite respectively the names printed upon such paster ballot and in such manner as that the State or local ballot will not show when folded that it contains a paster. The voter may then indicate his choice for any office by stamping [marking] the square upon the State or local ballot immediately to the left of the name printed upon such paster ballot when pasted. He shall in

no other manner attempt to indicate his choice. Any stamps [marks] upon the State or local ballot elsewhere shall be deemed a distinguishing mark and render the ballot void. If the ballot contains no distinguishing mark, the Election Board shall deem and count as the voter's choice the names of the persons upon such paster ballot having the square immediately to the left stamped [marked], and they shall count none other. It shall be unlawful for any person to use the paster ballot provided for in this section unless he desires to vote for one or more persons for one or more offices respectively to be filled at such election, the names of which person or persons are not printed upon the State or local ballot, as the case may be, as a candidate or candidates for such office or offices respectively. And any paster which contains the names of persons only for the respective offices whose names are printed upon the State or local ballots as candidates for the same offices respectively shall be void and the ticket containing the name shall not be counted. The voter who attempts to use a paster ballot under the provisions of this section must prepare or select a paster ballot containing a complete list of names for every office for whom he desires to vote and must vote for names contained upon the paster and none other. If a State or local ballot contains a paster placed thereon by the voter, as provided for in this section, any stamp [mark] upon such State or local ballot other than are on the squares at the left of the paster ballot shall be deemed a distinguishing mark and render the whole ticket void. Every violation of the provisions of this section by a voter shall be deemed to be an attempt to distinguish his ballot and shall render the same entirely void. (R. S. 1901, §6242; R. S. 1897, §6541; R. S. 1894, §6242.)

78. Number of Persons in Booths—Spoiling Ballots.

47. Not more than one person shall be permitted to occupy any booth at one time, and no person shall remain in or occupy a booth longer than may be necessary to prepare his ballot and in no event longer than five minutes. Not more than three persons other than the election officers shall be permitted to enter or be in the election room at any one time, and no voter or person offering to vote shall hold any conversation or communication with any other person than a member of the Election Board while in the election room. Any person who shall by accident or mistake spoil, deface or mutilate his ballot may, on returning the same to the Poll Clerks and satisfying them that such spoiling, defacing or mutilation was not intentional, receive another in place thereof, and such Clerks shall make a minute of the fact on the poll list at the time, and the mutilated ballot shall then be destroyed by the

elector in the presence of the Board. (R. S. 1901, §6243; R. S. 1897, §6542; R. S. 1894, §6243.)

[1891, p. 132. Approved March 6, 1891. In force June 3, 1891.]

79. Illiterate Voters.

48. Any elector who declares that by reason of physical disability or inability to read the English language, he is unable to mark his ballot, may declare his choice of candidates to the Poll Clerks, who, in the presence of the elector and in the presence of each other, shall prepare the ballots for voting in the manner hereinbefore provided, and on request shall read over to such elector the names of the candidates as marked. Any one making a false declaration under the provisions of this section shall, upon conviction, be fined in any sum not exceeding five dollars and be disfranchised for a period of five years, and any Poll Clerk or Poll Clerks who shall deceive any elector in selecting or marking any ballot, or mark the same in any other way than as requested by said elector, shall be guilty of felony, and on conviction shall be imprisoned in the penitentiary for not less than two nor more than five years, and be disfranchised for any determinate period not less than five years: Provided, That before the Poll Clerk shall so prepare the ballot of said elector, the said elector shall, in the presence of the Board, make affidavit in writing that he is unable to read the English language, or that by reason of physical disability, setting out the particulars in which said physical disabilities exists, he is unable to mark his ballot. (R. S. 1901, §6244.)

[1891, p. 133. Approved March 6, 1891. In force June 3, 1891.]

80. Distinguishing Marks—Penalty.

49. No Inspector of Elections, or Judge acting for an Inspector, shall deposit any ballot upon which the initials of the Poll Clerks, as hereinbefore provided for, does not appear, or any ballot on which appears externally any distinguishing mark, defacement or mutilation. If any Inspector, Judge, Poll Clerk or other person entrusted with the custody or control of any ballot or ballots, either before or after they have been voted, shall in any way mark, mutilate or deface any ballot or place any distinguishing mark thereon, either for the purpose of identifying the same (except by numbering protested ballots for future reference) or for the purpose of vitiating the same, he shall be guilty of a felony, and on conviction shall be imprisoned in the State's prison not more than ten nor less than five years, and fined in any sum not exceeding two thousand dollars. (R. S. 1901, §6245; R. S. 1897, §6544; R. S. 1894, §6245.)

[1889, p. 124. Approved March 6, 1889. In force May 10, 1889.]

81. Taking Ballots from Election Room—Penalty.

50. Any person who shall remove or attempt to remove a ballot or stamp [pencil] from the election room, or having in his possession outside the election room, any ballot or stamp [pencil] either genuine or counterfeit, during the election, shall be guilty of felony, and on conviction shall be imprisoned in the penitentiary not less than two nor more than five years, and be disfranchised for any determinate period not less than ten years. (R. S. 1901, §6246; R. S. 1897, §6545; R. S. 1894, §6246; E. S., §1372.)

82. Counting and Destroying Unvoted Ballots.

51. Immediately on closing the polls, the Board shall count all the ballots remaining unvoted, record the number of the same on the tally sheets, and destroy all of such ballots by totally consuming by fire. (R. S. 1901, §6247; R. S. 1897, §6546; R. S. 1894, §6247; E. S., §1373.)

[1901, p. 525. Approved March 11, 1901. In force May 16, 1901.]

83. Canvassing Vote—Destroying Ballots.

7. The Election Board shall in canvassing the votes begin first with the State ballots and complete them before proceeding with the local ballot, by laying each ballot upon the table in the order which it is taken from the ballot box; and the Inspector and the Judge of Election differing in politics from the Inspector, shall view the ballots as the names of the persons voted for are read therefrom. And in the canvass of the votes any member of the Election Board may protest as to the counting of any ballot, or any part thereof, and any ballot which is not indorsed with the initials of the Poll Clerks, as provided by law, and any ballot which shall bear any distinguishing mark or mutilation shall be void, and shall not be counted, and any ballot, or part of a ballot, from which it is impossible to determine the elector's choice of candidates, shall not be counted as to the candidate, or candidates, affected thereby; and all such ballots, together with all protested, disputed or uncounted ballots, shall be preserved by the Inspector, and at the close of the count placed with the seals of the ballot packages in paper bags securely sealed, and delivered to the Clerk of the county with notification to him of the number of ballots so placed in such bags, and of the condition of the seals of the ballot packages. The Poll Clerk[s] shall also record on the tally sheets memoranda of such ballots, and the condition of the seal of the ballot packages, and in any contest of election such ballots and seals may be submitted in evidence. And before said ballots are placed in the bags

as aforesaid one of the Poll Clerks shall indorse upon the back of each disputed or protested ballot the word "counted" or "not counted," as the case may be, and said indorsement shall be signed officially by both of said Poll Clerks. On completing the count and recording the same on the tally sheets all the remaining ballots, except those marked, mutilated or otherwise defective, or required to be preserved as in this section hereinbefore described, shall be destroyed by the Election Board by totally consuming them by fire before adjournment, and thereupon the Election Board shall immediately make a memorandum of the total vote cast for each candidate and deliver a copy thereof to each member of such board. No person, other than the members of the Election Board, Poll Clerks and Election Sheriffs, and the duly authorized watchers representing the various political parties, shall be permitted in the room during the election, or during the canvass of the votes, except for the purpose of voting. Each of the four political parties having cast the largest vote at the election last preceding, and having a place on the official ballot shall be entitled to one watcher at each precinct, who shall be permitted to be present during the canvass of the votes. Each watcher shall be required to present to the Election Board credentials signed by the township or county chairman of the party which said watcher represents, showing him to be the duly authorized watcher for that party. (R. S. 1901, §6248.)

[1889, p. 124. Approved March 6, 1889. In force May 10, 1889.]

84. Penalties for Violating Election Law.

53. Any person who shall (1) falsely mark or fraudulently deface or fraudulently destroy any certificate or petition of nomination, or any part thereof; (2) file any certificate or petition of nomination, knowing the same, or any part thereof, to be falsely made; or (3) suppress any petition or certificate of nomination which has been duly filed, or any part thereof; or (4) forge or falsely make the official indorsement of any ballot; or (5) print, or cause to be printed, any imitation ballot, or circulate the same; or (6) conspire with others to do any of said acts, or induce, or attempt to induce, any other person to do any of said acts, whether or not said acts, or any of them, be committed or attempted to be committed, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State penitentiary not less than two nor more than five years, and be disfranchised for any determinate period not less than ten years. (R. S. 1901, §6249; R. S. 1897, §6548; R. S., §6249; E. S., §1375.)

85. Penalty for Clerk, Inspector or Messenger.

54. Any Clerk, Inspector or other messenger entrusted with the custody of the ballots who shall open any of the packages in which the ballots are contained, or permit any of them to be opened, or destroy any of such ballots, or permit them to be destroyed; or give or deliver any such packages or ballots to any person not lawfully entitled to receive them, as herein provided; or conspire to procure, or in any way aid, abet or connive at any robbery, loss or destruction of any such ballots or packages, shall be guilty of a felony, and on conviction shall be punished by imprisonment in the State prison for not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1901, §6250; R. S. 1897, §6549; R. S. 1894, §6250; E. S., §1376.)

86. Entering Election Room—Remaining Close to Polls.

55. If any person not herein authorized so to do shall enter or attempt to enter the election room, or enter or attempt to enter within the railing leading from the challenge window to the entrance of the election room without first having been passed by the challengers, or having been sworn in as hereinbefore provided, or shall remain within fifty feet of the polling place, contrary to the provisions hereinbefore made, he shall be guilty of a misdemeanor, and on conviction thereof be fined not more than five hundred dollars. (R. S. 1901, §6251; R. S. 1897, §6550; R. S. 1894, §6251; E. S., §1377.)

87. Inducing Voter to Put Mark on His Ballot.

56. If any person shall induce or attempt to induce any elector to write, paste or otherwise place on his ballot the name of any person or any sign or device of any kind as a distinguishing mark by which to indicate to any other person how such elector has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce electors, or any elector, to so place any distinguishing name or mark on his ballot, whether or not said act be committed or attempted to be committed, such person so offending shall be guilty of felony, and, on conviction, be imprisoned not more than five nor less than two years in the State's prison. (R. S. 1901, §6252; R. S. 1897, §6551; R. S. 1894, §6252; E. S., §1378.)

88. Revealing How Elector Voted.

57. If any person, being a member of an Election Board or otherwise entitled to [the] inspection of the ballots, shall reveal to

any other person how any elector has voted, or what other candidates were voted for on any ballot bearing a name not printed thereon by the Board of Election Commissioners, or give any information concerning the appearance of any ballot voted, such person so offending shall be guilty of a felony, and, on conviction, shall be imprisoned not less than two years nor more than five years in the State's prison, and be disfranchised for any determinate period not less than ten years. (R. S. 1901, §6253; R. S. 1897, §6552; R. S. 1894, §6253; E. S., §1379.)

89. Inducing Member of Board to Violate This Act.

58. If any person shall induce, or attempt to induce, any member of an Election Board to violate any of the provisions of section 47 [57], whether or not such member of the Election Board shall violate or attempt to violate any of the provisions of this Act, such person so offending shall be guilty of a felony, and, on conviction, shall be imprisoned in the State's prison not less than two years nor more than five years, and be disfranchised for any determinate period not less than ten years. It shall be the duty of each Inspector to distinctly read this and the preceding section to the Election Board at the opening of the polls, and each member thereof shall thereupon take an oath that he has not violated and will not violate the provisions of said section. (R. S. 1901, §6254; R. S. 1897, §6553; R. S. 1894, §6254; E. S., §1380.)

90. Removing or Destroying Election Supplies.

59. Any person who shall, during the election, remove or destroy any of the supplies or other conveniences placed in the booths as aforesaid or delivered to the voter for the purpose of enabling the voter to prepare his ballot, or shall, during an election, remove, tear down or deface the cards printed for the instruction of the voters, or shall, during an election, destroy or remove any booth, railing or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts, whether or not any of such acts are committed or attempted to be committed, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for not less than six months nor more than one year and be disfranchised for any determinate period not less than ten years. (R. S. 1901, §6255; R. S. 1897, §6554; R. S. 1894, §6255; E. S., §1381.)

91. Electioneering—Revealing Vote.

60. No officer of election shall disclose to any person the name of any candidate for whom any elector has voted. No officer of election shall do any electioneering on election day. No

person whatever shall do any electioneering on election day within any polling place, or within fifty feet of any polling place. No person shall apply for or receive any ballot in any polling place other than that in which he is entitled to vote. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof or the name of any candidate or candidates for whom he has marked his vote; nor shall any person examine a ballot which any person has presented for voting or solicit the elector to show the same. No person except the Inspector of Election, or Judge who may be temporarily acting for him, shall receive from any voter a ballot prepared by him for voting. No voter shall receive a ballot from any person other than one of the Poll Clerks; nor shall any person other than a Poll Clerk deliver a ballot to an Inspector to be voted. No voter shall deliver any ballot to an Inspector to be voted, except the one he receives from the Poll Clerk. No voter shall place any mark upon his ballot or suffer or permit any other person to do so, by which it may be afterward identified as the one voted by him. Whoever shall violate any provision of this section shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment for not less than six months nor more than one year, and by fine of not less than one hundred dollars nor more than five hundred dollars, and be disfranchised for any determinate period not less than ten years. (R. S. 1901, §6256; R. S. 1897, §6555; R. S. 1894, §6256; E. S., §1382.)

92. Officer Violating His Duty.

61. Any public officer, upon whom any duty is imposed by this Act, who shall wilfully neglect or omit to perform such duties, or do any act prohibited herein, for which punishment is not otherwise herein provided, shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment in the State's prison for not less than six months nor more than three years, or by a fine of not more than three thousand dollars, or by both such fine and imprisonment, and be disfranchised for any determinate period not less than ten years. (R. S. 1901, §6257; R. S. 1897, §6556; R. S. 1894, §6257; E. S., §1383.)

93. Constitutional Amendments.

62. Whenever any constitutional amendment or other question is required by law to be submitted to popular vote, if all the electors of the State are entitled to vote on such question, the State Board of Election Commissioners shall cause a brief statement of the same to be printed on the State ballots, and the words "yes" and "no" under the same, so that the elector may indicate his preference by stamping [marking] at the place designated in front

of either word. If the question is required by law to be voted on by the electors of any district or division of the State the Board or Boards of Election Commissioners of the county or counties, including or included in such division or district, shall cause similar provision to be made on the local ballots. In case any elector shall not indicate his preference by stamping [marking] in front of either word the ballot as to such question shall be void and shall not be counted. (R. S. 1901, §6258; R. S. 1897, §6557; R. S. 1894, §6258; E. S., §1384.)

94. Preservation of Affidavits.

63. All affidavits provided in this Act to be used on the day of election at the several polling places shall, at the close of the count, be placed in a strong paper bag, or envelope, by the Election Board and securely sealed by them, each member indorsing his name on the back of such bag or envelope. Such bag or envelope shall be delivered within three days after the election, by the Inspector, to the Clerk of the Circuit Court of the county, whose duty it shall be to carefully preserve the same, and deliver it, with the seal unbroken, to the foreman of the grand jury when next in session. It shall be the duty of such grand jury to inquire into the truth or falsity of such affidavits. (R. S. 1901, §6259; R. S. 1897, §6558; R. S. 1894, §6259; E. S., §1385.)

95. Township and County Elections.

64. When any township or county holds an election at a time other than the time of a general election, such election shall be held in conformity with the provisions of this Act, and all county and local officers who are required to perform any duties in connection with the general election shall perform the same duties in connection with such special or local election, subject to the same provisions and penalties herein prescribed in case of general elections. (R. S. 1901, §6260; R. S. 1897, §6559; R. S. 1894, §6260; E. S., §1386.)

[1891, p. 134. Approved March 6, 1891. In force June 3, 1891.]

96. City and Town Elections.

65. Where any town or city shall hold an election at any time other than a time of a general election, such election shall be held in conformity with the provisions of this Act, except the duties herein required of the County Clerk shall be performed by the Town or City Clerk; the duties herein required by the Board of County Commissioners shall be performed by the Town Trustees or City Council; the duties of the County Sheriff shall be performed by the Town Marshal or Chief of Police, and the rights of nomination of election officers by political parties shall be exer-

aised by the chairman of the town or city committees of such parties, if any such there be. Town and city officers are hereby required to perform the various duties herein prescribed by the county officers in whose stead they act, subject to the same penalties and provisions herein prescribed as to such county officers. The town and city Boards of Election Commissioners shall provide the necessary [pencils]* stamps and ink pads for such elections, and shall cause as many classes of ballots to be printed as there are wards or districts entitled to separate officers, ballots of each class having printed uniformly on the back of the same the name or number of the ward or district in which it is to be used, and containing the names of all lawfully nominated candidates for all officers that the voters of such ward or district are entitled to vote for at such election. The Commissioners of county and Trustees of townships in which such towns or cities are situated shall furnish what is necessary for use in such elections of the election furniture in their custody: Provided, That such town or city shall pay the expense of moving such furniture to and from the polling places, and also for any damage to or loss of such furniture. The Boards of town or city Election Commissioners shall perform all the duties in providing and preparing polling places that are required of County Commissioners in county elections, subject to the same provisions and penalties. (R. S. 1901, §6261; R. S. 1897, §6560; R. S. 1894, §6261.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

97. Holidays.

66. All election days shall be legal holidays throughout the district or municipality in which the election is held. (R. S. 1901, §6262; R. S. 1897, §6561; R. S. 1894, §6262; E. S., §1388.)

98. Laws Repealed.

67. All laws and parts of laws inconsistent with the provisions of this Act are hereby repealed, pro tanto: Provided, however, That nothing in this Act contained shall impair the effect of any such Act as to any offense heretofore committed under existing laws; And, provided further, That the provisions of this Act shall not apply to any election to be held prior to the first Monday in June, 1890, and all elections to be held prior to said date of the first Monday in June, 1890, shall be held and conducted under the provisions of the law now in force, and all elections to be held after the first Monday in June, 1890, shall be provided for and held

*The words "stamped and ink-pads" are repealed.

under the provisions of this Act. (R. S. 1901, §6263; R. S. 1897, §6562; R. S. 1894, §6263; E. S., §1389.)

[1881, S., p. 428. Approved April 21, 1881. In force September 19, 1881.]

99. Duty of Board.

29. No Inspector, Clerk or Judge of any election shall vote after commencing to count the votes, nor publish any statement of the result of the counting until such election is closed. (R. S. 1901, §6264; R. S. 1897, §6563; R. S. 1894, §6264; R. S. 1881, §4707.)

100. Adjournments Forbidden.

30. After the opening of the polls at any election in this State no adjournment shall be had nor any recess taken until all the votes cast at such election shall have been counted, and the result publicly announced (R. S. 1901, §6265; R. S. 1897, §6564; R. S., §6265; R. S. 1881, §4708.)

101. Meals for Election Officers.

31. It shall be the duty of the Township Trustees, in their respective townships, to cause the members of the Election Board in each township or precinct to be furnished with good, plain, and substantial meals, at the regular hours for meals, during the election day and until the count is finished, but no spirituous, vinous, or fermented liquors shall be furnished. Such Trustees shall be allowed, and paid, by the County Board the actual cost of such meals, in their next regular account. (R. S. 1901, §6266; R. S. 1897, §6565; R. S. 1894, §6266; R. S. 1881, §4709.)

102. Certificate of Judges.

34. When the votes shall be counted, the Boards of Judges shall make out a certificate, under their hands, stating the number of votes each person has received, and designating the office; which number shall be written in words; and such certificate, together with one of the lists of voters and one of the tally papers, shall be deposited with the Inspector, or with one of the Judges selected by the Board of Judges. (R. S. 1901, §6267; R. S. 1897, §6566; R. S. 1894, §6267; R. S. 1881, §4712.)

103. Care of Ballots and Papers.

35. As soon as the votes are counted, and before the certificate of the judges, as prescribed in the foregoing section, is made out, the ballots, with one of the lists of voters and one of the tally papers, shall, in the presence of the judges and clerks, be carefully and securely placed by the Inspector, in the presence of the judges, in a strong and stout paper envelope or bag, which shall

then be tightly closed and well sealed with wax by the Inspector, and shall be delivered by such Inspector to the County Clerk at the very earliest possible period before or on the Thursday next succeeding said election; and the Inspector shall securely keep said envelope containing the ballots and papers therein, and permit no one to open said envelope or touch or tamper with said ballots or papers therein. And upon the delivery of such envelope to the Clerk, the Inspector shall take and subscribe an oath, before said Clerk, that he has securely kept said envelope and the ballots and papers therein, and that, after said envelope had been closed and sealed by him in the presence of the judges and clerks, he had not suffered or permitted any person to break the seal or open said envelope, or touch, or tamper with said ballots or papers, and that no person has broken such seal or opened said envelope to his knowledge; which oath shall be filed in said Clerk's office with the other election papers. (R. S. 1901, §6268; R. S. 1897, §6567; R. S. 1894, §6268; R. S. 1881, §4713.)

NOTE—So much as relates to the preservation of the ballots (R. S. 1901 §6248) and as to when the tally papers, etc., shall be returned (R. S. 1905 §6275 D.) has been repealed.

[Acts 1905, page 189.]

104. Inspector—County and City Clerk—Duties.

10. It shall be the duty of each Inspector of elections as soon as the certificates required by law to be signed, to deliver the same with one of the lists of voters and one of the tally papers containing the vote of the precinct for all State, district and county officers voted for and with the bags required by law to be returned by said Inspector to the Clerk of the Circuit Court at the court house for the use of the Board of Canvassers, and in city elections to the City Clerk, and that there may be no delay in the canvassing of the vote of any county or city it is declared to be the duty of the Clerk to keep the Clerk's office open all night upon the night of any election at which county or city officers are voted for. (R. S. 1905, §6275d.)

105. Clerk's and Trustee's Duties.

36. The Clerk shall securely keep said envelope, so sealed, with the ballots and papers therein, in the same condition as it was received by him from the Inspector, in his office (unless opened by said Inspector, in the presence of the Board of Canvassers, as herein provided), for the period of six months. But when such election is contested, he shall preserve them so long as said contest is undetermined, subject to the order of the Court trying such contest: Provided, That said Inspector shall, after sealing said envelope containing such ballots and one of his poll

books and tally papers, plainly mark said envelope upon the outside, in ink, with the name, number and township. And after each election the ballot box herein provided for shall be, by said Inspector, deposited with the Township Trustee of the township in which his precinct is situate, for safekeeping. And said officers of election shall, upon receiving the pay for their services as such from said Township Trustee, deliver to him the keys to the said ballot box in their custody. (R. S. 1901, §6269; R. S. 1897, §6568; R. S. 1894, §6269; R. S. 1881, §4714.)

[Acts 1905, p. 189. Approved March 4, 1905.]

106. Board of Canvassers.

1. That in each county in the State the county Board of Election Commissioners shall constitute a county Board of Canvassers, who shall canvass and estimate the certificates, poll lists and tally papers returned by each Inspector of elections in the county, for which purpose the board shall assemble in the Circuit Court room in the court house, at six o'clock p. m., upon the day of each election; and that in each city in the State, the city Board of Election Commissioners shall constitute a city Board of Canvassers, who shall canvass and estimate the certificates, poll lists, and tally papers returned by each Inspector of election at all city elections, for which purpose the board shall assemble in the council chamber of said city at six (6) o'clock p. m. upon the day of said election. (R. S. 1905, §6270.)

107. Chairman—Clerk.

2. The members of such county board shall select one of their number as chairman, and the Clerk of the Circuit Court shall act as clerk of the county board; and the members of such city board shall select one of their number as chairman, and the Clerk of such city shall act as clerk of the said board. (R. S. 1905, §6271.)

108. Clerical Assistants.

3. Each of such Board of Canvassers shall employ such clerical assistance as in its judgment may be deemed necessary for the proper canvassing and tabulating of the vote: Provided, That not more than one-half of the clerks employed upon such work of canvassing shall be members of the same political party; and such clerks shall be paid for their services a reasonable compensation to be fixed by said Board of Canvassers, not, however, to exceed the sum of fifty cents per hour to each clerk for the time actually employed upon such canvass, and the order of said county board upon the county treasurer for clerical services rendered said county board shall be sufficient authority to the county

treasurer to pay to the holder of the same the amount therein fixed: Provided, There is money in the treasury for that purpose; if there be no funds to pay such order when presented the treasurer shall indorse thereon "Not paid for want of funds," and the day of such presentment over his signature, which shall entitle such order to draw thenceforth legal interest; and the order of such city board upon the city treasurer for clerical services rendered such city board shall be sufficient authority for the city treasurer to pay to the holder of the same the amount therein fixed: Provided, There is money in the city treasury for that purpose, and if there be no funds to pay such order or orders when presented the treasurer shall endorse thereon "Not paid for want of funds," and the date of such presentment over his signature, which shall entitle such order to draw henceforth legal interest. The members of any such board shall receive for their services as Board of Canvassers such amount as may be fixed by the Board of Commissioners or Common Council as the case may be. (R. S. 1905, §6272.)

109. Board's Duties.

4. Such county or city board when organized shall carefully compare and examine the papers intrusted to it, and aggregate and tabulate from them the vote of the county, or the vote of the city, as the case may be, a statement of which shall be drawn up by the clerk which shall contain the names of the persons voted for, the office, the number of votes given in each precinct, ward or township in a county election, and in each ward and precinct in a city election to each person; the number of votes given to each in the county or city and also the aggregate number of votes given, which statement shall be signed by each member of such board, and canvass sheets together with such certificates, poll books and tally papers shall be delivered to the clerk, and by him filed in his office; and the same shall be preserved by him open to the inspection of any legal voter. (R. S. 1905, §6273.)

110. Certificates.

5. Such county board shall declare the persons having the highest number of votes given for any office to be filled by the voters of a single county duly elected to such office, and certify the same in the statement above required; and such city board shall declare the persons having the highest number of votes given for any office to be filled by the voters at a city election, duly elected to such office, and certify the same in the statement above required. (R. S. 1905, §6274.)

111. Tie Vote.

6. If two or more persons shall have the highest and equal number of votes for a single office to be filled by the voters of such county or city, such county or city board shall declare that no person is elected to fill such office, and shall certify the same in the statement above provided and when filed the clerk shall certify the fact to the tribunal whose duty it is to supply vacancies in such office, or to issue writ of election to fill the same as the case may require. (R. S. 1905, §6275.)

112. Defective Papers—Duty of Board.

7. No tally papers, poll-book or certificates returned from any election by board of judges thereof shall be rejected for want of form, or for lack of being strictly in accordance with the directions contained in the election laws if the same can be satisfactorily understood, and such Board of Canvassers shall in no case reject the returns from any precinct if the same be certified by the board of election of that precinct as required by law, and returned by the Inspector or one of the Judges of said board. (R. S. 1905, §6275a.)

113. Evidence—When Heard—Witness in Contempt.

8. County or city Boards of Election Commissioners and county or city Boards of Canvassers in matters concerning the sufficiency or validity of any nominating certificate or petition, may examine on oath any person touching any material matter connected with or bearing on the proper discharge of their duties. Any member of the board may administer such oath. Either of said boards is given full power to send for persons and papers, and compel the witnesses to answer under oath touching any questions which may properly come before said board. The sheriff of the county in county elections and city marshal or superintendent or chief of police in city elections shall serve all process, and obey all orders of such board, and shall during the canvass provide a deputy who shall remain in attendance upon such Board of Canvassers, and shall be paid by the county or city for such services at the rate of two dollars for every eight hours of such attendance. In case of the refusal of any person subpoenaed to attend or testify such fact shall be reported forthwith by such Board of Election Commissioners or said Board of Canvassers, to any Circuit or other court of general jurisdiction of the county, or to a judge thereof, and such court or judge shall order such witnesses to attend and testify, and on failure or refusal to obey such order such witnesses shall be dealt with as for contempt. (R. S. 1905, §6275b.)

114. Disputes—Decision by Circuit Judge.

9. In case of a disagreement between the members of the county or city Board of Canvassers as to how the vote of any precinct shall be counted the matter in dispute shall be forthwith reported by said board to the Judge of the Circuit Court in a brief written statement setting forth the grounds of disagreement together with all papers concerning the matter, and such judge shall summarily determine said dispute, and direct how such vote shall be counted, and such determination shall be final as regards the action of said Board of Canvassers. (R. S. 1905, §6275c; R. S. 1901, §6275; R. S. 1897, §6574; R. S. 1894, §6275; R. S. 1881, §4720.) Repealed Acts 1905, p. 191.

115. Certificate of Election.

43. Where any person is elected to an office by the voters of a county not to be commissioned by the Governor, the Clerk of the Circuit Court shall, after ten days from the time the Board of Canvassers has made its returns, make out and deliver, on demand, to such person, a certificate of his election; and in case where any officer is to be commissioned by the Governor, he shall make out a statement under his hand and the seal of his Court, specifying the number of votes given to each person for each office, and who has been declared elected, and shall transmit the same, by mail, to the Secretary of State, within the time aforesaid. (R. S. 1901, §6276; R. S. 1897, §6574; R. S. 1894, §6276; R. S. 1881, §4721.)

116. Defective Returns—Commissions.

44. No commission shall be withheld by the Governor on account of any defect or informality in the return of any election to the office of Secretary of State, if it can, with reasonable certainty, be ascertained from such return what office is intended and who is entitled to such commission. (R. S. 1901, §6277; R. S. 1897, §6576; R. S. 1894, §6277; R. S. 1881, §4722.)

117. Certificates of Votes for Legislators.

45. When two or more counties compose a district to elect a Senator or Representative, the Clerks of the Circuit Courts of such counties, on the day next succeeding the return day of such election, shall make out a certificate of votes received by each individual for Senator or Representative, and deliver the same to the Sheriff. (R. S. 1901, §6278; R. S. 1897, §6577; R. S. 1894, §6278; R. S. 1881, §4728.)

118. Certificate of Election of Legislators.

46. Such Sheriffs shall meet on the Wednesday next following the return day of such election, between the hours of one and

six of the afternoon at the court house of the oldest county in such district, where they shall compare the certificates delivered to them by the Clerks, and shall jointly make out and transmit to the person having the highest number of votes for Senator or Representative a certificate of his election. The county first organized (or, if two or more were organized at the same session, then the county having, by the Auditor of State's last report, the highest number of taxable polls) shall be deemed the oldest. (R. S. 1901, §6279; R. S. 1897, §6578; R. S. 1894, §6279; R. S. 1881, §4724.)

119. Tie Vote for Legislators.

47. If, in such case, any two or more persons shall have the highest and an equal number of votes for the same office, such Sheriffs shall certify that fact to the Clerk of the Circuit Court of the county in which such Sheriffs shall have compared such votes, and such Clerk shall forthwith certify the same to the Governor. (R. S. 1901, §6280; R. S. 1897, §6579; R. S. 1894, §6280; R. S. 1881, §4725.)

120. Certificate to Secretary of State.

48. Clerks of the Circuit Court, on the day succeeding the return day of such election, shall make out in words, certified statements, officially sealed, of the number of votes given to each person for Governor and Lieutenant-Governor, for Representative in Congress, Judges of the Supreme and Circuit Courts, Clerk of the Supreme Court, Reporter of the decisions of the Supreme Court, Prosecuting Attorney, Superintendent of Public Instruction, Secretary, Auditor, and Treasurer of State, and for Senator and Representative in the General Assembly, and shall deliver the same to some postmaster of the county, to be transmitted by mail to the Secretary of State, taking from such postmaster, and filing, a certificate setting forth particularly the time when such certified statement was deposited in such postoffice. (R. S. 1901, §6281; R. S. 1897, §6580; R. S. 1894, §6281; R. S. 1881, §6580.)

121. Duty of Secretary of State.

49. The Secretary of State shall, in the presence of the Governor, compare and estimate the number of votes given for Judges of the Supreme Court, Reporter of the decisions of the Supreme Court, Clerk of the Supreme Court, Secretary and Auditor, and Treasurer of State, and Superintendent of Public Instruction, and certify to the Governor the persons receiving the highest number of votes for such offices, and also compare and estimate the number of votes given for Judges of the Cir-

cuit Court and Prosecuting Attorneys, and certify to the Governor the persons having received the highest number of votes in their respective districts; and thereupon the Governor shall transmit, by mail, to such persons their commissions. (R. S. 1901, §6282; R. S. 1897, §6581; R. S. 1894, §6282; R. S. 1881, §4728.)

122. Secretary of State and Governor, as to Congressmen.

50. The Secretary of State, as soon as he shall receive such certified statements, shall compare and estimate the votes given for Representatives in Congress, and certify to the Governor the persons having the highest number of votes as duly elected; and the Governor shall give to each of the persons returned to him, as aforesaid, a certificate of his election, sealed with the seal, and attested by the Secretary of State. Provided, That no return of any county which has come into his hands, and which has been duly authenticated by the Clerk thereof, under seal, as hereinbefore provided, shall be rejected by said Secretary of State, but he shall estimate, aggregate, and tabulate, and report to the Governor the total number of votes cast in each county for each candidate for State office, Supreme Judge, or other officer to be elected by all the voters of the State, and members of Congress, as evidenced to him by the face of such return so certified to him. (R. S. 1901, §6283; R. S. 1897, §6582; R. S. 1894, §6283; R. S. 1881, §4728.)

123. Clerk's Duty as to Election of Governor.

51. Each Clerk of the Circuit Court shall, on the day following the return day of election for Governor and Lieutenant-Governor, make out at full length, two certified statements, under the seal of his Court, the number of votes each candidate received; one of which he shall transmit to the Speaker of the House of Representatives of the next General Assembly, by his Senator or Representative, who shall deliver the same to such Speaker on or before the second day of the session, and the other certified statement shall be transmitted by mail to Indianapolis, directed to said Speaker, and to the care of the Secretary of State, by whom the same shall be delivered to the Speaker on or before the second day of the session. (R. S. 1901, §6284; R. S. 1897, §6583; R. S. 1894, §6284; R. S. 1881, §4729.)

124. Pay of Officers.

52. Each Inspector, Judge and Clerk of any election shall be allowed and paid two dollars for each day's service while attending to such election and performing the duties of his office; and

the same rate for one day's services, and mileage at the rate of five cents per mile, going and returning, shall be allowed and paid to each member of the Board of Canvassers. (R. S. 1901, §6285; R. S. 1897, §6584; R. S. 1894, §6285; R. S. 1881, §4730.)

ARTICLE 2—SPECIAL ELECTIONS.

SEC.

125. When to be held.
126. When Governor to order.

SEC.

127. Notice by Sheriff.
128. How conducted.

[1881, S., p. 482. Approved April 21, 1881. In force September 19, 1881.]

125. When to Be Held.

53. A special election shall be held in the following cases:

First. Whenever a vacancy shall occur in the office of Senator or Representative during a session, or when the Legislature will be in session after the occurrence of a vacancy and before a general election.

Second. Whenever a vacancy shall occur in the office of Representative in Congress while in session, or when Congress will be in session after such vacancy occurs and before a general election.

Third. Whenever two or more persons receiving votes at any election shall have the highest and an equal number of votes for the same office.

Fourth. Whenever a vacancy occurs in any office required to be filled at a special election. (R. S. 1901, §6286; R. S. 1897, §6585; R. S. 1894, §6286; R. S. 1881, §4731.)

126. When Governor to Order.

54. Special elections not otherwise provided for shall be ordered by the Governor, who shall issue a writ or writs of election, directed to the Sheriff or Sheriffs of the proper county or counties; and such writ shall specify the county, district, or circuit in which such election is to be held, the cause and object of such election, the name of the person whose office is vacant, and the day on which such election shall be held; which day shall be the same in case such election is held in a district or circuit formed of two or more counties. (R. S. 1901, §6287; R. S. 1897, §6586; R. S. 1894, §6287; R. S. 1881, §4732.)

127. Notice by Sheriff.

55. The Sheriffs who receive such writs ordering a special election shall give the same notice thereof as is required of general elections: Provided, Such notice may be set up and published ten days only. (R. S. 1901, §6288; R. S. 1897, §6587; R. S. 1894, §6288; R. S. 1881, §4733.)

128. How Conducted.

56. All special elections shall be conducted, returned, certified, and canvassed, and certificates and commissions shall issue, and shall in all respects be governed by the provisions of this law regulating general elections, so far as applicable. (R. S. 1901, §6289; R. S. 1897, §6588; R. S. 1894, §6289; R. S. 1881, §4734.)

ARTICLE 3—TOWNSHIP ELECTIONS.

SEC.	SEC.
129. When held.	135. Supervisors.
130. Township Trustees and Assessors.	136. Notice of election, how conducted.
131. Terms of Trustees and Assessors.	137. Repealed.
132. Justices of Peace and Constables.	138. Canvass—Inspector's duty.
133. Election governed by general law.	139. Tally papers.
134. Ballots.	140. Certificates.

[1893, p. 192. Approved March 2, 1893. In force May 18, 1893.]

129. When Held.

1. The time of holding the election of Township Trustees, Justices of the Peace, Assessors, Constables, Road Supervisors and such other officers of township as may be provided for by law, shall be changed from the April election, and all such township officers shall be elected at the general election to be held on the first Tuesday after the first Monday in November, 1894, and every four years thereafter, and which election shall be conducted by the provisions of the law governing said general election. (R. S. 1901, §6290; R. S. 1897, §6589; R. S. 1894, §6290.)

[1897, p. 64. Approved February 25, 1897. In force April 14, 1897.]

130. Township Trustees and Assessors.

1. The time of holding the election of Township Trustees and Assessors shall be changed from the general election on the first Tuesday after the first Monday in November, 1898, to the general election on the first Tuesday after the first Monday in November, 1900, and at the general election on the first Tuesday after the first Monday in November of every fourth year thereafter. Said Township Trustees and Assessors shall qualify as now provided by law, and enter upon the discharge of the duties of their respective offices at the expiration of ten days after such election. (R. S. 1901, §6290a; R. S. 1897, §6590.)

[1901, p. 415. Approved March 11, 1901. In force May 15, 1901.]

131. Terms of Trustees and Assessors.

3. The terms of all Township Trustees and Township Assessors to be elected at the general election in November, 1904, shall begin on the first day of January, 1905; and thereafter the terms of office of all Township Trustees and Township Assessors

shall begin on the first day of January succeeding their election. (R. S. 1901, §6293a.)

[1897, p. 64. Approved February 25, 1897. In force April 14, 1897.]

132. Justices of Peace and Constables.

2. The time of holding the election of Justices of the Peace, Constables and such other officers of the township, as may be provided for by law, and the time when they shall enter upon the duties of their respective offices, shall remain as now fixed by law. (R. S. 1901, §6290b; R. S. 1897, §6591.)

133. Election Governed by General Law.

3. The election of said township officers shall be conducted under the provisions of the law governing said general elections. (R. S. 1901, §6290c; R. S. 1897, §6592.)

134. Ballots.

4. The names of the different candidates for said township offices shall be printed on separate ballots of a yellow color and deposited in separate ballot boxes from that of the State and county ballots; said ballot boxes shall be painted yellow and said ballots and ballot boxes shall be prepared in conformity with the law governing said general elections. (R. S. 1901, §6291; R. S. 1897, §6593.)

[Acts 1905, p. 566. Approved March 8, 1905.]

135. Supervisors—Election—Pay—Districts.

The qualified voters in each road district of the several counties in the State shall, on the second Saturday after the first Monday in December, 1905, and every two years thereafter, elect a Supervisor who shall hold his office for the term of two years and until his successor is elected and qualified. Road districts shall not be held to include any part or parts of cities or incorporated towns that may be in the township in which such road districts are located. Each Supervisor shall receive the sum of one dollar and fifty cents per day for his services actually performed, not exceeding forty days in any one year to be paid out of the township treasury, but before receiving the same he shall file his sworn statement with the Trustee of the township, which statement shall specify the days on which such services were performed: Provided, Such Supervisor shall not be entitled to charge or receive any compensation whatever for a number of days equal to the number required of other persons of his road district liable to work on highways. Upon the taking effect of this act, if deemed necessary by any Trustee of any township, such Trustee shall divide his township into not more than four nor less than two road districts

as nearly equal in number of miles of road as practicable and appoint supervisors therefor, to hold their offices until their successors are elected and qualified, and if any additional road districts shall be created he shall appoint Supervisors thereof to hold their offices until their successors shall be elected and qualified as herein provided; and whenever such Trustee shall deem it necessary he may make any change in such road districts that may subserve public interests: Provided, That any change of the existing boundaries of road districts shall not be made except upon petition of six freeholders living in the immediate vicinity of the change proposed to be made. On dividing his township into road districts, or where any change is made therein, such Trustee shall record a plat thereof in the highway record of his township, which shall show the roads and parts of roads belonging to each road district. Each Supervisor shall at the time of his election or appointment be a qualified voter of the road district for which he is elected or appointed. (R. S. 1905, §6830.)

[Acts 1905, p. 537. Approved March 8, 1905.]

136. Notice of Election—How Conducted.

The Township Trustee of each township shall on or before the first Monday in December, 1905, and every two years thereafter, post up or cause to be posted, in at least two public places in each road district of his township, written or printed notices of an election of Supervisor of such road district, giving therein the place, day and hour at which such election is to be held. The day and hour of such election shall be the same in each road district of the township. The place of such election shall, if practicable, be a schoolhouse, located in the road district. The Township Trustee shall act as Inspector of the election in the road district in or nearest to which he resides, and shall name from among the qualified voters present two clerks, who shall, if possible, not both be of the same political party. Such clerks, with the Trustee, shall form an election board to judge of the qualifications of voters, and shall collect or receive and shall count the ballots cast. If one or more members of the election board, or one or more freeholders among the qualified voters present shall challenge any one offering to vote, and declare under oath that such an one is not entitled to vote, giving reasons for such declaration, then, after the one offering to vote and challenged as aforesaid shall have been given an opportunity to reply and to declare under oath his qualifications, if such one or more members of such election board or such one or more freeholders among the qualified voters present persist in their challenge and declarations, the one thus challenged shall not be allowed to vote unless a freeholder among the qualified voters present shall declare under oath that such challenged voter is en-

titled to vote in that road district at that election. For the election of Supervisor in each road district of his township, other than the one in or nearest to which he resides, the Trustee shall name an Inspector of election, and such Inspector shall name two clerks, of different political parties, if possible, from among the qualified voters present. Such Inspector shall be a freeholder in the road district in which the election is held. The Inspector and the two clerks shall constitute an election board to judge, as heretofore provided, of the qualifications of voters, and to receive or collect and to count the ballots cast. Such Inspector or Trustee shall be authorized to administer all necessary oaths in relation to such election. The Inspector and clerks provided for in this act shall serve without pay, but the Township Trustee shall be entitled to his regular pay for one day for the day on which the notices aforesaid are posted up and for one day for the day on which he files reports of election of Supervisors with the Auditor of the county. The Trustees shall provide papers for the ballots and for the clerks in their count of such ballots. The Trustee or Inspector shall be present promptly at the place and hour named in the notice of election, and if the said Trustee or Inspector shall not appear within fifteen minutes after the time set, then the qualified voters present shall select a freeholder from their number as Inspector. The polls shall close two hours after the Trustee or Inspector shall have announced that the polls are open, if all voters present have voted, or have been given an opportunity to vote, provided that the election board may close the polls sooner if all voters present have voted or have been given an opportunity to vote, and no vote has been cast for ten minutes. Immediately upon the announcement that the polls are closed, the election board shall proceed to count the ballots, and during the count all voters shall be excluded from the room in which the count is made, excepting only the election board and two watchers, who may be named, one by each of the clerks. The person receiving the highest number of votes cast shall be deemed to be elected. Only those ballots shall be counted which contain the name of but one person, and mistakes in spelling or in initials shall not prevent the ballot from being counted where the intent of the voter is evident; all counted or uncounted ballots shall be preserved under seal by the Trustee until June following the day of election. Ballots may be either written or printed. When the count is completed the Trustee or Inspector shall at once announce the result and the Trustee shall issue a certificate to the person so elected. The Inspector of each district other than that of which the Township Trustee is Inspector shall file with such Trustee the report of election in his district, together with all papers and ballots. The

Trustee shall within three days file with the Auditor of such county a report of all elections of Supervisors held in such Trustee's township, which report shall be certified to, in the case of each road district, by the members of the election board in such district. (R. S. 1905, §6831.)

137. Illegal Votes.

2. Repealed Acts 1905, page 566.

[1881, p. 482. Approved April 21, 1881. In force September 19, 1881.]

138. Canvass—Inspector's Duties.

58. The board of judges shall count the votes given for each person for each office, and certify the result, and the Inspector shall file one of the poll books and tally sheets, with ballots on a string, in the Clerk's office of the county, within ten days after such election. If two or more have the highest and an equal number of votes for the same office, such judges shall, when the result is certified, determine by lot the person entitled to the office, and the next day, the Inspectors shall make out and deliver to the person elected, when demanded, a certificate for each person elected to any office in said township, except Justice of the Peace: Provided, That, if there be more than one precinct in said township, then the Inspectors of the several precincts shall meet, on the day following the election, at the office of the Township Trustee, at as near ten o'clock a. m. as is practicable, and compare the poll books and certificates thereto held by them, and having aggregated the vote of the township, declare and certify the result; and if two or more persons have the highest and an equal number of votes for the same office, they shall determine, by lot, which shall be declared elected, and give a certificate accordingly. (R. S. 1901, §6292; R. S. 1897, §6594; R. S. 1894, §6292; R. S. 1881, §4736.)

[Acts 1905, p. 193.]

139. Tally Papers.

The tally papers for township elections shall be kept separate and apart from those upon which are recorded the votes cast for candidates for State, district and county offices, and the vote for township offices shall be canvassed as heretofore provided by law: Provided, however, That in all townships having more than ten (10) voting precincts the vote thereof for township officers shall be canvassed by the county Board of Canvassers as herein provided for all county elections. (R. S. 1905, §6275c.)

[1889, p. 344. Approved March 9, 1889. In force May 10, 1889.]

140. Certificates.

59. Such certificate shall entitle the holder to qualify and enter upon his discharge of the duties of the office to which he is elected, at the expiration of ten days from the day of such election, except that of Township Trustee and Township Assessor, who shall enter upon the duties of their offices on the first Monday of August following such election, and also except that the certificates of election of Justices of the Peace shall be forwarded by the Inspector aforesaid to the Clerk of the Circuit Court, who shall certify the result for that office to the Secretary of State. (R. S. 1901, §6293; R. S. 1897, §6595; R. S. 1894, §6293.)

ARTICLE 4—RE-COUNTING.

SEC.

141. When candidate may have.

142. Proceedings to obtain.

143. Order for re-counting—How conducted.

SEC.

144. Certificate of re-count.

145. Adjournments forbidden—Pay—Ballots, how preserved.

[1881, S., p. 482. Approved April 21, 1881. In force September 19, 1881.]

141. When Candidate May Have.

61. At any time within ten days after the Thursday next succeeding any election, any candidate for office at such election, desiring to contest the same, may petition, in writing, the Circuit Court, if in session, or the Judge thereof in vacation, for a re-count of the ballots cast at such election, by three commissioners, appointed by the Court or Judge, two of whom shall be from different political parties: Provided, That such appointments shall be made from the political parties which cast the highest number of votes at the last preceding general election. (R. S. 1901, §6294; R. S. 1897, §6596; R. S. 1894, §6294; R. S. 1881, §4738.)

1. This and the succeeding four sections may be considered as repealed.

142. Proceeding to Obtain.

62. Upon the petition of such candidate, duly verified, showing that he desires to contest such election, and honestly believes that there was a mistake or fraud committed in the official count, and that he desires a re-count of the ballots cast at said election for the office for which he was a candidate, and upon proof that he has served a written notice upon the opposing candidate of the time and place of such application, five days before the hearing, and upon his furnishing a written undertaking, with sufficient freehold surety, that he will pay all the costs of such re-count, the Court or Judge shall grant the

prayer of said petition and order said re-count to be made. (R. S. 1901, §6295; R. S. 1897, §6597; R. S. 1894, §6295; R. S. 1881, §4739.)

143. Order for Re-counting—How Conducted.

63. In appointing such commissioners to make said re-count, the Court shall fix the time within which the same shall commence, not exceeding thirty days thereafter, and the Clerk of the Circuit Court shall act as the clerk of said commissioners. The order shall provide that each of the candidates may be present during said recount; and two qualified voters of the county, selected by each of said candidates, may also be present, and may witness the re-count of the vote, and such witnesses shall conduct themselves in a quiet and orderly manner, and shall not interrupt said commissioners while in the discharge of their duties. Such order shall be entered on the order book of the Circuit Court. (R. S. 1901, §6296; R. S. 1897, §6598; R. S. 1894, §6296; R. S. 1881, §4740.)

144. Certificate of Re-count.

64. When said re-count is finished, the commissioners, or a majority of them, shall make out a certificate, under their hands, stating the number of votes that each of said candidates has received for said office in each township and precinct, and which of said candidates, as shown by the said re-count, received the highest number of votes, and what his majority or plurality was; and said certificate shall be filed with the Clerk of the Circuit Court and recorded in the order book of said Court. Such certificate, or the record thereof, may be used as evidence of the facts therein recited upon the trial of any contest of said election between said candidates. (R. S. 1901, §6297; R. S. 1897, §6599; R. S. 1894, §6297; R. S. 1881, §4741.)

145. Adjournments Forbidden—Pay—Ballots, How Preserved.

65. No adjournment shall be had until said re-count is finished and said certificate is made out and filed. Said commissioners shall each be allowed, and paid by said petitioners, at the rate of three dollars per day, each, for their services. Said Clerk shall, as soon as such re-count is completed, replace said ballots in the ballot boxes, securely lock and seal them, and keep them as above provided. For his services in the matter of such re-count, said Clerk shall receive from such petitioner the sum of five dollars. (R. S. 1901, §6298; R. S. 1897, §6600; R. S. 1894, §6298; R. S. 1881, §4742.)

ARTICLE 5—CONTEST.

SEC.

- 146. Who may contest.
- 147. Contest for State office.
- 148. Notice.
- 149. Committee to try—Powers.
- 150. Contesting seat of Legislator.
- 151. Depositions.
- 152. Notice to contestee.
- 153. Powers of Justices.
- 154. Vacancy.
- 155. Meeting of Justices—Their duty.
- 156. Clerk's duty.
- 157. Duty of Secretary of State.
- 158. Depositions, when read.
- 159. Causes for contest.

SEC.

- 160. Election, when not set aside.
- 161. Contest for local offices.
- 162. Notice by Auditor to Clerk.
- 163. Notice to County Board and contestee.
- 164. Subpoenas—Trial of contest.
- 165. Appeals.
- 166. Duty of Court on appeal.
- 167. Voters compelled to testify.
- 168. Fees and costs.
- 169. Commissioner to take testimony.
- 170. Contest for municipal offices.
- 171. Appeal to Supreme Court.

[1881, S., p. 482. Approved April 21, 1881. In force September 19, 1881.]

146. Who May Contest.

66. The election of any person declared elected by popular vote to any office, whether State, county, township, or municipal, may be contested by any elector who was entitled to vote for such person. The person contesting such election shall be known as the contestor; the person whose election is contested, as the contestee. (R. S. 1901, §6299; R. S. 1897, §6601; R. S. 1894, §6299; R. S. 1881, §4743.)

147. Contest for State Office.

67. When such elector may choose to contest the election of any State officer, elective by the people, he shall, within twenty days after the first day of the next session of the General Assembly thereafter, deliver to the presiding officer of the House of Representatives specifications of the grounds of such contest; which specifications shall be verified by the affidavit of such electors. (R. S. 1901, §6300; R. S. 1897, §6602; R. S. 1894, §6300; R. S. 1881, §4744.)

148. Notice.

68. As soon as such presiding officer receives such specifications, he shall make out a notice of contest, which, together with a copy of the specifications, he shall cause to be directed and delivered to the person whose election is contested; and shall immediately give notice to both Houses that such specifications have been received. (R. S. 1901, §6301; R. S. 1897, §6603; R. S. 1894, §6301; R. S. 1881, §4745.)

149. Committee to Try—Powers.

69. Each House shall choose, by a viva voce vote, seven members of its own body; and the members thus selected shall constitute a committee to try and determine such contested election; and for that purpose shall hold their meetings publicly, at the capitol, at such time and place as they may designate, and may

adjourn from day to day, or to a day certain, until such trial shall be determined. They shall have power to send for persons and papers and to take all necessary means to procure testimony, extending like privileges to the contestor and the contestee; and shall report their judgment in the premises to both branches of the General Assembly; which report shall be entered on the journals of the respective Houses, and the judgment of such committee shall be conclusive. If such election be adjudged invalid, such office shall be vacant. (R. S. 1901, §6302; R. S. 1897, §6604; R. S. 1894, §6302; R. S. 1881, §4746.)

150. Contesting Seat of Legislator.

70. Any such elector who may choose to contest the election of any person declared elected to a seat in the Senate or House of Representatives shall, within ten days after such election, file with the Clerk of the Circuit Court of the county in which the alleged cause of contest originated, a statement of the grounds of contest on which he relies, and that he was entitled to vote at such election, verified by his affidavit. (R. S. 1901, §6303; R. S. 1897, §6605; R. S. 1894, §6303; R. S. 1881, §4747.)

151. Depositions.

71. When such statement shall be filed, such Clerk shall issue a commission directed to two Justices of the Peace of his county, not of kin to the contestor nor to any person who was a candidate at such election for the office the election to which is contested, to meet at such time and place as shall be specified in such commission, not less than twenty nor more than thirty days from the time of issuing the same, for the purpose of taking the depositions of witnesses. (R. S. 1901, §6304; R. S. 1897, §6606; R. S. 1894, §6304; R. S. 1881, §4748.)

152. Notice to Contestee.

72. Written notice of such contest, specifying the time and place of taking depositions and before whom to be taken, and a copy of such statement, certified by such Clerk, shall, within ten days after such statement shall have been filed, be delivered to the contestee, or, if he can not be found, shall be left at his last and usual place of residence by the Sheriff of the county, who shall return to such clerk a certified copy of such notice, with the manner and time of service indorsed thereon, for which he shall receive from the contestor the same fees allowed in writs of summons. (R. S. 1901, §6305; R. S. 1897, §6607; R. S. 1894, §6305; R. S. 1881, §4749.)

153. Powers of Justices.

73. Either of such Justices shall have power to issue subpoenas, to be served by the Sheriff; and when met at the time and place appointed to take depositions, shall have the same power to issue attachments and assess fines against witnesses as is given to Justices in the trial of suits instituted before them. (R. S. 1901, §6306; R. S. 1897, §6608; R. S. 1894, §6306; R. S. 1881, §4750.)

154. Vacancy.

74. If either of the Justices first appointed becomes unable to proceed in such examination, such Clerk shall fill the vacancy with any other Justice of the county. (R. S. 1901, §6307; R. S. 1897, §6609; R. S. 1894, §6307; R. S. 1881, §4751.)

155. Meeting of Justices—Their Duty.

75. Such Justices shall meet at the time and place appointed, take and certify such depositions as in other cases, and may adjourn from time to time, and when the same is closed, shall deliver the depositions, with the commission, to such Clerk. (R. S. 1901, §6308; R. S. 1897, §6610; R. S. 1894, §6308; R. S. 1881, §4752.)

156. Clerk's Duty.

76. Such Clerk shall seal up the depositions, original statement of the grounds of contest, the copy of the notice served on the contestee, and the commission issued to such Justices, indorse thereon the names of the contesting parties and the branch of the Legislature before which such contest is to be tried, and transmit the same, by mail, to the Secretary of State. (R. S. 1901, §6309; R. S. 1897, §6611; R. S. 1894, §6309; R. S. 1881, §4753.)

157. Duties of Secretary of State.

77. The Secretary of State, on or before the second day of the session of the General Assembly held next thereafter, shall deliver such depositions to the presiding officer of the proper House, who shall immediately lay the same before such House. (R. S. 1901, §6310; R. S. 1897, §6612; R. S. 1894, §6310; R. S. 1881, §4754.)

158. Depositions; When Read.

78. At any time after notice of contest, and before final determination, either party may take depositions to be read on trial, under the rules regulating the taking of depositions to be read in the Circuit Court: and such depositions shall be sent, by mail, to the Secretary of State, who shall deliver the same, unopened, to

the presiding officer of the proper House. (R. S. 1901, §6311; R. S. 1897, §6613; R. S. 1894, §6311; R. S. 1881, §4755.)

159. Causes for Contest.

79. Any election, the contest of which is provided for in this Act, may be contested for any of the following causes:

First. For irregularity or malconduct of any member or officer of the proper board of judges or canvassers.

Second. When the contestee was ineligible.

Third. When the contestee, previous to such election, shall have been convicted of an infamous crime, such conviction not having been reversed nor such person pardoned at the time of such election.

Fourth. On account of illegal votes.

(R. S. 1901, §6312; R. S. 1897, §6614; R. S. 1894, §6312; R. S. 1881, §4756.)

160. Election, When Not Set Aside.

80. No irregularity or malconduct of any member or officer of a board of judges or canvassers shall set aside the election of any person, unless such irregularity or malconduct was such as to cause the contestee to be declared elected when he had not received the highest number of legal votes; nor shall any election be set aside for illegal votes, unless the number thereof given to the contestee, if taken from him, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office. (R. S. 1901, §6313; R. S. 1897, §6615; R. S. 1894, §6313; R. S. 1881, §4757.)

161. Contest for Local Offices.

81. All contests for county and township offices shall be tried in the proper county; and all contests for district and circuit offices, not otherwise provided in this Act, shall be tried in the county giving the largest vote for such office at such election; and whenever any elector shall choose to contest such election he shall file with the Auditor of the proper county, within ten days after such person has been declared elected, a written statement specifying the grounds of contest, verified by the affidavit of such elector. (R. S. 1901, §6314; R. S. 1897, §6616; R. S. 1894, §6314; R. S. 1881, §4758.)

162. Notice by Auditor to Clerk.

82. When such statement is filed with the Auditor of the proper county he shall immediately give notice, in writing, to the Clerk of the Circuit Court, that the election to such office is contested; and when the office of County Auditor is con-

tested, such statement shall be filed with the Clerk, who shall do the duties otherwise required by this act of the Auditor. The filing of such statement shall be notice to him. (R. S. 1901, §6315; R. S. 1897, §6617; R. S. 1894, §6315; R. S. 1881, §4759.)

163. Notice to County Board and Contestee.

83. When such statement is filed with the Auditor he shall issue a notice to the Board of County Commissioners to meet at the court house at a designated time, not less than ten nor more than twenty days thereafter, to try such contested election, and shall issue a notice to the contestee to appear at the time and place specified in the notice to the Commissioners; which, with a copy of such statement, shall be delivered to the Sheriff of the county, who shall, within five days thereafter, serve the same on the contestee, by delivering to him a copy of such notice and statement or leaving a copy thereof at his last usual place of residence. (R. S. 1901, §6316; R. S. 1897, §6618; R. S. 1894, §6316; R. S. 1881, §4760.)

164. Subpoenas—Trial of Contest.

84. The Auditor, at the request of either party, shall issue subpoenas, which shall be served by the Sheriff. Such Board of Commissioners shall try and determine such contest; and shall have power to compel the attendance of witnesses, to swear and examine the same, to punish contempts as other Courts, to adjourn or continue the trial from time to time, not exceeding twenty days altogether; to make the necessary orders for the payment of costs, and to coerce the payment of the same, and shall be governed in such trial by the rules of law obtaining in Circuit Courts. And if it be proved that any other person than the contestee has the highest number of legal votes, such board shall declare such person elected, and certify the same to the proper officer. (R. S. 1901, §6317; R. S. 1897, §6619; R. S. 1894, §6317; R. S. 1881, §4761.)

165. Appeals.

85. Appeals may be taken herein, as from other decisions of such board: Provided, That the same be taken within ten days. (R. S. 1901, §6318; R. S. 1897, §6620; R. S. 1894, §6318; R. S. 1881, §4762.)

166. Duty of Court on Appeal.

86. If upon such appeal the Circuit Court confirm such election, a certificate thereof shall issue; if such election be annulled, and no other persons declared elected to the same office,

it shall be declared vacant. (R. S. 1901, §6319; R. S. 1897, §6621; R. S. 1894, §6319; R. S. 1881, §4763.)

167. Voters Compelled to Testify.

87. Any witness who voted at such election, when called to testify in any such case, shall be required to answer touching his qualifications; and if he was not a qualified elector he shall be required to answer for whom he did vote, and such admission shall not be used against him in any prosecution for illegal voting. (R. S. 1901, §6320; R. S. 1897, §6622; R. S. 1894, §6320; R. S. 1881, §4764.)

168. Fees and Costs.

88. The Sheriff, Auditor, Clerk and Justices of the Peace, for services rendered by them in case of contested elections, shall receive from the party at whose instance such services are performed, the fees usually allowed for similar services in other cases; which fees shall be taxed as costs against the losing party, and collected as other costs are taxed and collected. (R. S. 1901, §6321; R. S. 1897, §6623; R. S. 1894, §6321; R. S. 1881, §4765.)

169. Commissioner to Take Testimony.

89. The Court trying the cause, at the request of the contestor and contestee, in writing, or upon the application of either party, supported by affidavit showing that a saving of expenses to the parties, the convenience of the witnesses, and the ends of justice will be promoted thereby, may appoint a commissioner to take the testimony of witnesses, in writing, at any time before the final hearing and shall provide, in the order of appointment, that each party shall give reasonable notice to the other of the time and place of such taking. Such commissioner shall have power to subpoena and compel the attendance of witnesses residing in the county; and it shall be his duty to take down, in writing, all the testimony offered by the parties, and to note all objections to the testimony; and he shall report the same to the Court trying the cause within the time limited by the order appointing him. (R. S. 1901, §6322; R. S. 1897, §6624; R. S. 1894, §6322; R. S. 1881, §4766.)

170. Contest for Municipal Office.

90. All contests for municipal offices shall be tried before the Circuit Court of the proper county in the manner provided by law for the contest of county and township offices. The Clerk of the Circuit Court shall be the person with whom the notice of the contest shall be filed, and he shall perform all the

duties required to be performed by him and the Auditor in other cases, and the contest shall be set down for trial at the next term of such Circuit Court. (R. S. 1901, §6323; R. S. 1897, §6625; R. S. 1894, §6323; R. S. 1881, §4767.)

171. Appeal to Supreme Court.

91. In all cases of contested elections where an appeal has been taken from the Board of County Commissioners to the Circuit Court, either party feeling aggrieved by the judgment of said Court may appeal therefrom to the Supreme Court, as in other civil cases. The appeal bond in such cases shall be in a penalty sufficient to secure any damage which may accrue by a stay of proceedings upon the judgment. And whenever, by reason of such appeal, a party may be excluded from the office to which he may be entitled, pending such appeal, the principal and sureties in said bond shall be liable thereon for the amount of the emoluments of the office to the party deprived thereof. (R. S. 1901, §6324; R. S. 1897, §6626; R. S. 1894, §6324; R. S. 1881, §4768.)

ARTICLE 6—TO SECURE PURITY OF ELECTIONS.

SEC.	SEC.
172. Illegal voter.	190. Seizing ballot box.
173. Voting in wrong precinct.	191. Destroying ballot box or ballots.
174. Nonresident voting.	192. Inducing voter to re-sign petition.
175. Importing voters.	193. Selling signature to petition.
176. Voting more than once.	194. Fraud at special election.
177. Bribery to secure nomination.	195. Buying votes at special election.
178. Bribing voter.	196. Bribing to procure election.
179. Ground of challenge—Affidavit.	197. Bribing election officers.
180. False affidavit.	198. Betting on election.
181. Ballot box breaking—Altering returns.	199. Inducing minor to bet on election.
182. Fraud by officer.	200. Selling liquors on election day.
183. Altering returns.	201. Druggist selling liquor on election day.
184. Refusing to receive vote.	202. Penalty for selling or offering to sell vote.
185. Officer persuading voter.	203. Penalty for buying or offering to [buy votes.
186. Officer opening or marking ticket.	204. Witnesses.
187. Deceiving illiterate voter.	205. Acts repealed.
188. Defrauding voter.	206. Repealed.
189. Using violence, threats or restraint.	

[1881, S., p. 174. Approved April 14, 1881. In force September 19, 1881.]

172. Illegal Voter.

263. Whoever, not having the legal qualifications of a voter at any election authorized by law to be held in this State for any officer whatever, votes or offers to vote at such election, shall be fined not more than five hundred dollars nor less than ten dollars, imprisoned in the county jail not more than one year nor less than one month, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2322; R. S. 1897, §2362; R. S. 1894, §2322; R. S. 1881, §2179.)

173. Voting in Wrong Precinct.

264. Whoever knowingly votes or offers to vote in any precinct or ward except the one in which he resides, shall be fined not more than five hundred dollars nor less than ten dollars, imprisoned in the county jail not more than one year nor less than one month, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2323; R. S. 1897, §2363; R. S. 1894, §2323; R. S. 1881, §2180.)

174. Nonresident Voting.

265. Whoever passes from any other State into this State, and votes or attempts to vote at any voting precinct or ward of this State, not being at the time a bona fide resident of such voting precinct or ward, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2324; R. S. 1897, §2364; R. S. 1894, §2324; R. S. 1881, §2181.)

175. Importing Voters.

266. Whoever hires or solicits any person to come from any State into this State for the purpose of voting at any election therein or to pass from any county to another county, or from any township into another township, or from any voting precinct or ward into another voting precinct or ward of the State, for the purpose of voting therein at any election held therein (such person, so solicited, not being a legal voter in such county, township, precinct or ward), shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2325; R. S. 1897, §2365; R. S. 1894, §2325; R. S. 1881, §2182.)

176. Voting More Than Once.

267. Whoever votes more than once at any election in this State, either at the same precinct or ward or at different precincts or wards, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2326; R. S. 1897, §2366; R. S. 1894, §2326; R. S. 1881, §2183.)

[1889, p. 267. Approved March 9, 1889. In force May 10, 1889.]

177. Bribery to Secure Nomination.

1. Any person being a candidate for nomination to any office of profit or trust under the Constitution or laws of this State, or of the United States, before any convention held by any political party, or at any primary election, who loans, pays or gives, or promises to loan, pay or give any money or other thing of value to any delegate or elector, or any other person, for the purpose of securing the vote or influence of such delegate, elector or person for his nomination, and whoever hires or otherwise employs for consideration any person to work for the nomination of any person to any office, or to work for the selection of any delegate to be chosen at any party convention or primary election, shall, upon conviction thereof, be fined in any sum not more than five hundred dollars, and disfranchised and rendered incapable of holding any office of profit or trust within this State for any determinate period, and if nominated shall be ineligible to hold such office. (R. S. 1901, §2327; R. S. 1897, §2367; R. S. 1894, §2327; E. S., §319.)

178. Bribing Voter.

2. Whoever, being a candidate for any office, loans or gives, directly or indirectly, or offers or promises to loan or give any money or other thing of value to any elector for the purpose of influencing or retaining the vote of such elector, or to induce such elector to work or labor for the election of such candidate, or to refrain from working or laboring for the election of any other candidate, or to any person, to secure or to retain the influence or vote of such elector in his behalf as such candidate, or to be used by such person in any way to influence the vote of any elector, or of electors generally, for himself or any candidate or ticket, and whoever hires or otherwise employs for consideration any person to work at the polls on election day for the election of any candidate to be voted for at such election, shall be fined in any sum not more than one thousand nor less than three hundred dollars, and shall be disfranchised and rendered incapable of holding any office of profit or trust within this State for any determinate period, and a violation of any provision of this section by any person elected to such office shall render his election void, and if he has taken the office, upon conviction shall operate as a vacation of the same. (R. S. 1901, §2328; R. S. 1897, §2368; R. S. 1894, §2328; E. S., §320.)

179. Ground of Challenge—Affidavit.

5. At any election held under and pursuant to any law of this State, it shall be a ground of challenge that any person offer-

ing to vote has used or attempted to use money or other means to buy, hire or induce any elector to vote or refrain from voting for any candidate or candidates, or has advised, counseled or suggested bribery of any elector or electors at any such election, whether the same has been acted on or not; or has sold or offered to sell his vote for any candidate or candidates, at any such election. And when so challenged such elector shall not be permitted to vote until he has taken and subscribed the following:

STATE OF INDIANA, }
County. } ss.

I, do solemnly swear (or affirm) that I have not used or attempted to use any money or other means to buy, hire or induce any person or persons to vote or refrain from voting, or to remain away from the polls at this election; and that I have not counseled, advised, suggested or procured any person or persons to bribe any elector or electors to vote for any candidate or candidates, or to refrain from voting, or to remain away from the polls at this election, and that I have not sold or offered to sell my vote, either directly or indirectly, at this election.

Subscribed and sworn to before me this day of
, 18..

(R. S. 1901, §2331; R. S. 1897, §2371; R. S. 1894, §2331; E. S., §323.)

180. False Affidavit.

6. Whoever shall wilfully or knowingly make a false affidavit under this Act shall be guilty of perjury and punished accordingly. All affidavits made under the preceding sections shall be filed with the Board of Election and preserved by such Board in the manner as other similar affidavits and papers are preserved. (R. S. 1901, §2332; R. S. 1897, §2372; R. S. 1894, §2332; E. S., §224.)

1. Section 7 repeals Sections 1, 2, 3 and 5 of Acts of March 17, 1885 (1885, page 93). The same section repeals 2184 and 2185 of R. S. 1881.

181. Ballot Box Breaking—Altering Returns.

8. Any person not duly authorized by law who shall, during the progress of any election in this State, or after the closing of the polls and before the ballots are counted and result ascertained, or within six months thereafter, break open or violate the seals or locks of any ballot box, paper envelope or bag in which ballots have been deposited at or after such election, or who shall obtain possession of such ballot box, paper envelope or bag containing such ballots, and cancel, withhold or destroy the same, or

who shall fraudulently or forcibly add to or diminish the number of ballots legally deposited therein, or who shall fraudulently make any erasure or alteration of any kind upon any tally sheet, poll book, list of voters or election return deposited therein, shall be fined in any sum not more than one thousand nor less than five hundred dollars, and imprisoned in the State prison not more than ten nor less than two years, and disfranchised and rendered incapable of holding any office of profit or trust in this State for any determinate period. (R. S. 1901, §2333; R. S. 1897, §2373; R. S. 1894, §2333; E. S., §326.)

[1881, p. 174. Approved April 14, 1881. In force September 19, 1881.]

182. Fraud by Officer.

270. Whoever, being a Township Trustee, Inspector, Judge of election, or Clerk of election, takes out of the ballot box any ballot legally deposited therein, for the purpose of destroying the same or substituting another in its place, or after the same has been legally taken out, intentionally destroys or misplaces the same with the intent to substitute another ballot therefor, or with the intent to prevent the same from being counted at such election; or knowingly enters upon the poll books the name of any person who has not legally voted at such election; or intentionally tallies any vote to any candidate not voted for by such ballot; or permits any one of these acts to be done,—shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust for any determinate period. (R. S. 1901, §2334; R. S. 1897, §2374; R. S. 1894, §2334; R. S. 1881, §2186.)

183. Altering Returns.

271. Any Township Trustee, Inspector or any person acting for or on behalf of any Trustee or Inspector while forming a Board of Canvassers or before the canvassing of any Board of Canvassers or after the adjournment of any Board of Canvassers, who shall, with intent to cheat and defraud, alter any election return as made by the Election Board of any voting precinct, either by increasing the vote of any candidate or reducing the same; or shall intentionally destroy, misplace, or lose any poll book or tally sheet; or any Clerk of Court, who shall, with intent to cheat and defraud, change or alter in any way the vote of any candidate as returned by the Board of Canvassers; or any such Trustee, Inspector, Clerk, or Deputy Clerk, or other person acting for such persons who shall consent to the same being done, or who shall permit the same to be done,—shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the

State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2335; R. S. 1897, §2375; R. S. 1894, §2335; R. S. 1881, §2187.)

184. Refusing to Receive Vote.

272. Whoever, being an Inspector or Judge of any election held within this State, knowingly and wilfully, or corruptly, refuses or neglects to receive the vote of any legal voter at any election held within this State, shall be fined not more than five hundred dollars nor less than fifty dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2336; R. S. 1897, §2376; R. S. 1894, §2336; R. S. 1881, §2188.)

185. Officer Persuading Voter.

273. Whoever, being an Inspector, Judge, or Clerk of an election, attempts to induce, by persuasion, menace, or reward, or promise thereof, any elector to vote for any person, shall be fined not more than one hundred dollars nor less than ten dollars. (R. S. 1901, §2337; R. S. 1897, §2377; R. S. 1894, §2337; R. S. 1881, §2189.)

186. Officer Opening or Marking Ticket.

274. Whoever, being a Judge, Inspector, Clerk, or other officer of an election, opens or marks, by folding or otherwise, any ticket presented by such elector at such election; or attempts to find out the names thereon; or suffers the same to be done by any other person before such ticket is deposited in the ballot box,—shall be fined in any sum not more than one hundred dollars nor less than ten dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2338; R. S. 1897, §2378; R. S. 1894, §2338; R. S. 1881, §2190.)

187. Deceiving Illiterate Voter.

275. Whoever furnishes an elector who can not read the English language, at any election held pursuant to law, with a ticket which such person shall represent to such elector as containing a name different from the one printed or written thereon, shall be fined not more than one hundred dollars nor less than ten dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2339; R. S. 1897, §2379; R. S. 1894, §2339; R. S. 1881, §2191.)

188. Defrauding Voter.

276. Whoever fraudulently causes or attempts to cause any elector, at any election held pursuant to law in this State, to vote for a person different from the one he intended to vote for, shall be fined not more than one hundred dollars nor less than ten dollars. (R. S. 1901, §2340; R. S. 1897, §2380; R. S. 1894, §2340; R. S. 1881, §2192.)

189. Using Violence, Threats or Restraint.

277. Whoever, for the purpose of influencing a voter, seeks, by violence or threats of violence or threats to enforce the payment of a debt; or to eject or threatens to eject from any house he may occupy; or to begin a criminal prosecution; or to injure the business or trade of an elector; or, if an employer of laborers or an agent of such employer, threatens to withhold the wages of or to dismiss from service any laborer in his employment; or refuses to allow to any such employe time to attend at the place of election and vote,—shall be fined not more than one thousand dollars, nor less than twenty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2341; R. S. 1897, §2381; R. S. 1894, §2341; R. S. 1881, §2193.)

190. Seizing Ballot Box.

278. Whoever, at any election, unlawfully, either by force, fraud, or other improper means, obtains or attempts to obtain possession of any ballot box, or any ballots therein deposited, while the voting of such election is going on or before the ballots are duly taken out of such ballot box and counted by the Election Board according to law, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2342; R. S. 1897, §2382; R. S. 1894, §2342; R. S. 1881, §2194.)

191. Destroying Ballot Box or Ballots.

279. Whoever unlawfully destroys or attempts to destroy any ballot box used, or any ballot or vote deposited, or any poll book kept at any election, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2343; R. S. 1897, §2383; R. S. 1894, §2343; R. S. 1881, §2195.)

192. Inducing Voters to Re-sign Petition.

280. Whoever, by persuasion, menace, or reward, or promise thereof, induces or attempts to induce any legal voter of any county to re-sign any written or printed petition for the re-location of the county-seat of any county or any remonstrance against such re-location, shall be fined not more than five hundred dollars nor less than ten dollars, to which may be added imprisonment in the county jail not more than six months nor less than ten days, and he shall be disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2344; R. S. 1897, §2384; R. S. 1894, §2344; R. S. 1881, §2196.)

193. Selling Signature to Petition.

281. Whoever, being a legal voter of any county, sells or barterers or offers to sell or barter for money, property, or thing of value, or for any promise or hope of reward, given or offered by any person, his signature to any written petition for the re-location of any county-seat, or to any remonstrance against such re-location, shall be fined not more than five hundred dollars nor less than ten dollars, to which may be added imprisonment in the county jail not more than six months nor less than ten days, and he shall be disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §2345; R. S. 1897, §2385; R. S. 1894, §2345; R. S. 1881, §2197.)

194. Fraud at Special Election.

282. Whoever votes more than once at any election for the re-location of any county-seat, or for aid to any railroad, either at the same precinct, or at different precincts, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in any sum not more than fifty dollars nor less than ten dollars. (R. S. 1901, §2346; R. S. 1897, §2386; R. S. 1894, §2346; R. S. 1881, §2198.)

195. Buying Vote at Special Election.

283. Whoever buys or offers to buy, either by himself or by any other person, or furnishes any money or any other means to be used, or who shall permit his money or other means to be used, to hire, buy, or induce any person to vote for or against the removal of a county seat, or for or against the appropriation of aid to any railroad; or whoever attempts to induce any person to vote for or against such removal or appropriation, by offering any reward or favor,—shall be deemed guilty of a misdemeanor. And whoever, being a voter of this State, sells or barterers or offers to sell or barter, for any money or property, or any

thing of value, or any promise or hope of reward given or offered by any person or persons, his vote for the removal or for the relocation of a county seat, or against such removal or re-location, or against such appropriation or in favor of such appropriation for said railroad, shall be deemed guilty of a misdemeanor. And, upon conviction of violating any provisions of this section, the person so offending shall be fined in any sum not more than one hundred dollars nor less than twenty-five dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period not exceeding five years. (R. S. 1901, §2347; R. S. 1897, §2387; R. S. 1894, §2347; R. S. 1881, §2199.)

196. Bribing to Procure Election.

284. Whoever gives or offers a bribe, threat, or reward to procure his election to any office under the Constitution of the laws of this State, shall be fined not more than one thousand dollars nor less than fifty dollars, and imprisoned in the State prison not more than five years nor less than one year; and such person so offending, if elected to such office, shall be disqualified from holding office during the term for which he may have been elected, and also disfranchised for any determinate period. (R. S. 1901, §2348; R. S. 1897, §2388; R. S. 1894, §2348; R. S. 1881, §2200.)

[Acts 1905, p. 695. Approved March 10, 1905.]

197. Bribery of Election Officers.

478. Whoever, with intent to corrupt a grand or petit juror or a grand or petit jury, referee, master-commissioner, arbitrator, umpire, commissioner, to sell lands or to make a partition of lands, appraiser of real estate or personal property, county commissioner, mayor of a city, or member of the Common Council or other officer of any city, or Trustee of any incorporated town, Trustee of any civil or school township, school, city or town, or any Inspector, Judge or Clerk of election, or to influence him or them with respect to the discharge of his or their duty, either before or after he or they are summoned, elected, appointed qualified or sworn, promises or offers him or them any money or valuable thing; and whoever, either before or after he is summoned, elected, appointed, qualified or sworn as a grand or petit juror, referee, master-commissioner, arbitrator, umpire, commissioner to sell lands or to make partition of lands, appraiser of real estate or personal property, county commissioner, mayor of a city, or member of the Common Council or other officer of any city, trustee of any incorporated town, trustee of any civil or school

township, school city or town, or Inspector, Judge or Clerk of election, solicits or accepts any money or other valuable thing to influence him with respect to the discharge of his duties as such, shall, on conviction, be imprisoned in the State prison not less than two years nor more than fourteen years, fined not exceeding one thousand dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1905, §2123.)

[Acts 1905, p. 717. Approved March 10, 1905.]

198. Betting on Elections.

561. Whoever makes any bet or wager, or sells or purchases any pools on the results of any election held under the laws of this State, or upon the result of any State election, or upon the election of any person to any office, post or situation, or upon the election of President or Vice-President of the United States, or of Senators or Representatives in Congress, or of any elector of President or Vice-President of the United States, or sells or purchases any pools on the result of any horse race, or trial of speed between men or animals, or of any game, shall, upon conviction, be fined not less than five dollars nor more than one hundred dollars, to which may be added imprisonment in the county jail not less than ten days nor more than three months. (R. S. 1905, §2205.)

[Acts 1905, p. 716. Approved March 10, 1905.]

199. Inducing Minor to Bet on Elections.

559. Whoever, being an adult, by any device or pretense, entices any person under the age of twenty-one years, knowing such person to be a minor, to engage in any game whatever for money or property of any value, or plays or bets at or upon any game or wager, or upon the result of any game or election, with a minor, knowing him to be such, shall, on conviction, be fined not less than five dollars nor more than one hundred dollars, to which may be added imprisonment in the county jail not less than thirty days nor more than one year. (R. S. 1905, §2203.)

[Acts 1905, p. 721. Approved March 10, 1905.]

200. Liquor—Selling on Election Day.

579. Whoever shall sell, barter or give away, to be drunk as a beverage, any spirituous, vinous, malt, or other intoxicating liquors, upon Sunday, the Fourth of July, the first day of January, the twenty-fifth day of December, commonly called Christmas, Thanksgiving day as designated by proclamation of the Governor of this State, or the President of the United States, or any legal holiday, or upon the day of any State, county, town-

ship, primary or municipal election in the township, town or city where the same may be holden, or between the hours of eleven o'clock p. m. and five o'clock a. m., shall, on conviction, be fined not less than ten dollars nor more than fifty dollars, to which may be added imprisonment in the county jail or workhouse not less than ten days nor more than sixty days. (R. S. 1905, §2226.)

[Acts 1905, p. 722. Approved March 10, 1905.]

201. Druggist Selling Liquor on Election Day.

580. It shall be unlawful for any druggist or druggist's clerk to sell, barter, or give away any spirituous, vinous, malt or other intoxicating liquor on Sunday, or upon the Fourth of July, the first day of January, the twenty-fifth day of December, commonly called Christmas, Thanksgiving day, or any legal holiday, or upon the day of any State, county, township, primary or municipal election in the township, town or city where the same may be holden, or between the hours of eleven o'clock p. m. and five o'clock a. m. of any day, unless the person to whom the same is sold, bartered or given shall have first procured a written prescription therefor from some regular practicing physician of the county where the same is sold, bartered or given away. And any person so offending shall, on conviction, be fined not less than ten dollars nor more than fifty dollars, to which may be added imprisonment in the county jail or workhouse not less than ten days nor more than sixty days. (R. S. 1905, §2227.)

[Acts 1905, p. 481. Approved March 6, 1905.]

202. Penalty for Selling or Offering to Sell Vote.

2. Whoever sells, barters, or offers to sell or barter his vote or offers to refrain from voting for any candidate for any office to be voted for at any election held in this State, either for any money or property or thing of value or for any promise or favor or hope of reward, given or offered by any candidate to be voted for at any election held in this State or by any other person or persons, shall be fined in any sum not more than fifty dollars and disfranchised and rendered incapable of holding any office of trust or profit for a period of ten years from the date of such conviction. (R. S. 1905, §2279.)

[Acts 1905, p. 481. Approved March 6, 1905.]

203. Penalty for Buying Votes.

1. That whoever, directly or indirectly, hires, buys or offers to hire or buy, or furnish any money or other means to be

used, or directs or permits his money or other means to be used, or handles any money or other means, knowing the same to be used to induce, hire, or buy any person to vote or refrain from voting any ticket or for any candidate for any office, to be voted for at any election held in this State; or whoever attempts to induce any person to vote or to refrain from voting for any candidate for any office to be voted for at any election held pursuant to law or at any primary held in this State, by offering such person any reward or favor, shall be fined in any sum not more than fifty dollars and disfranchised and rendered incapable of holding any office of trust or profit for a period of ten years from the date of such conviction. (R. S. 1905, §2278.)

[Acts 1905, p. 482. Approved March 6, 1905.]

204. Witnesses.

3. Any person called as a witness to testify against another for the violation of any of the provisions of sections one or two of this act, is a competent witness to prove the offense, although he may have been concerned as a party, and he shall be compelled to testify as other witnesses, but such evidence shall not be used against him in any prosecution for such or any other offense growing out of matters about which he testifies, and he shall not be liable to trial by indictment or information or punished for such offense. (R. S. 1905, §2280.)

[Acts 1905, p. 482. Approved March 6, 1905.]

205. Repeal.

4. That the act entitled "An act to procure the purity of general, special and primary elections and conventions, prescribing punishment for the violation thereof, and reward for conviction of violations of the provisions thereof, and to repeal sections three (3), four (4), five (5) and six (6) of an act entitled 'An act concerning elections and nominating conventions, to maintain political purity and prescribing punishment for any violation thereof,' approved March 9, 1889, and an act entitled 'An act to secure the purity and freedom of the ballot and to repeal Sections one (1), two (2), three (3) and five (5) of an act entitled 'An act to protect the ballot box, to procure fair elections, to prevent the purchase or sale of votes, to provide means of proving such offenses, prescribing the penalty therefor and repealing Sections 268 and 269 of an act concerning public offenses and their punishment, approved April 14, 1881, being Sections 2184 and 2185 of the revised statutes of 1881, and repealing all laws and parts of laws in conflict with the pro-

visions of this act, approved March 9, 1889, and an act concerning public offenses and their punishment, approved March 8, 1897, and all laws and parts of laws in conflict with the provisions of this act, approved March 4, 1899, be and the same is hereby repealed. (R. S. 1905, §2281.)

206. Repealed.

See Acts 1905, p. 482.

CHAPTER 4.

ELECTORS—PRESIDENTIAL.

SEC.	SEC.
207. When chosen.	213. Deputy Marshals—Vacancies.
208. Notice—How and by whom given.	214. Duties of Marshals and Secretaries of State.
209. Certificate to Marshal.	215. Meeting of Electors—Vacancies.
210. Return-districts.	216. Vote of Electors.
211. Duty of Governor.	217. Pay of Electors and Marshals.
212. Affidavit of Marshal.	

[1 R. S. 1852, p. 516. Approved May 20, 1852. In force May 6, 1853.]

207. When Chosen.

1. The qualified electors of the State shall, on Tuesday following the first Monday in November, in the year 1852, and on Tuesday following the first Monday in November in every fourth year thereafter, elect Electors of President and Vice-President of the United States; which election shall, in all respects, be governed by the law regulating general elections. (R. S. 1901, §6340; R. S. 1897, §6642; R. S. 1894, §6340; R. S. 1881, §4769.)

208. Notice—How and by Whom Given.

2. The Sheriff of each county shall give notice of the time of holding such elections, together with the number of Electors to be elected, by publishing such notice in some newspaper within the county, or by written or printed notices to be set up at the usual places of holding elections in the respective townships, at least twenty days preceding the time of holding such elections. (R. S. 1901, §6341; R. S. 1897, §6643; R. S. 1894, §6341; R. S. 1881, §4770.)

209. Certificate to Marshal.

3. Boards of elections in the several townships or precincts shall make out certificates, under their hands, certifying in words, the number of votes that each person received for Elector; and the same shall be attested by the clerks of said election, sealed in the presence of such judges, and put into the hands of the selected judges, who shall, on the ensuing Thursday, deliver the same to the Clerk of the Circuit Court, or, in his absence, to his deputy, or in their absence, to the Sheriff, who shall in the presence of such judges in attendance, between the hours of twelve and six, of said day, compare the different returns, and make out, in words, a certificate of the number of votes each candidate for Elector received in the county; which certificate shall be signed by the Clerk, deputy, or Sheriff officiating, and

be sealed with the seal of the Circuit Court of the county, and delivered by such Clerk, deputy, or Sheriff to the Marshal appointed to convey the same to the seat of government. (R. S. 1901, §6342; R. S. 1897, §6644; R. S. 1894, §6342; R. S. 1881, §4771.)

210. Return-Districts.

4. Each congressional district shall compose one return-district, and shall be numbered as the districts are numbered when the votes are taken. (R. S. 1901, §6343; R. S. 1897, §6645; R. S. 1894, §6343; R. S. 1881, §4772.)

211. Duty of Governor.

5. The Governor shall, before the first day of October in each year in which such election is to be held, appoint some citizen in each district as Marshal, who shall hold his office until the duties required of him by this Act are performed. (R. S. 1901, §6344; R. S. 1897, §6646; R. S. 1894, §6344; R. S. 1881, §4773.)

212. Affidavit of Marshal.

6. Each Marshal, before the first Monday in November following, shall make an affidavit on the back of his appointment that he will, without fraud or delay, perform the duties required of him by this Act. (R. S. 1901, §6345; R. S. 1897, §6647; R. S. 1894, §6345; R. S. 1881, §4774.)

213. Deputy Marshals—Vacancies.

7. Such Marshals may appoint deputies, who shall make the same affidavit on the back of their appointment as is required of Marshals; and vacancies occurring in the office of Marshal, by removal from the State or otherwise, shall be filled by the Judge of the Circuit Court of the county in which such Marshal resided. (R. S. 1901, §6346; R. S. 1897, §6648; R. S. 1894, §6346; R. S. 1881, §4775.)

214. Duties of Marshal and Secretary of State.

8. Each Marshal or his deputy shall visit the county-seats of the counties in his district, receive the returns thereof from the Clerks, deputies, or Sheriffs officiating, and deliver the same, on the fourth Monday in November following, between the hours of nine and eleven of said day, to the Secretary of State, who, in the presence of the Governor and all the Marshals in attendance, between the hours of twelve and six o'clock on said day, shall compare such certificates and read aloud the number of votes each person has received, and make out an abstract of the persons voted for, and the number, in words, of

votes given to each; and the Governor shall forthwith make out and transmit, by mail, to the persons having the highest number of votes, certificates of their election. But, if more than the number of persons to be elected have the greatest and an equal number of votes, then the election of those having an equal number of votes shall be determined by lot, drawn by the Secretary of State in the presence of the Governor and Marshals. (R. S. 1901, §6347; R. S. 1897, §6649; R. S. 1894, §6347; R. S. 1881, §4776.)

215. Meeting of Electors—Vacancies.

9. Such Electors shall assemble in the chamber of the House of Representatives, on the first Monday in December, or such other day as may be fixed by Congress to elect such President and Vice-President, at the hour of ten o'clock a. m., and the Governor shall then and there deliver to the Electors present a certificate of the names of all the Electors; and if any Elector fail to appear before eleven in the morning of said day, the Electors present shall by ballot, by a majority of all present, fill such vacancy; which election shall be forthwith certified by a majority of the Electors to the Governor, who shall immediately notify such person of his election. (R. S. 1901, §6348; R. S. 1897, §6650; R. S. 1894, §6348; R. S. 1881, §4777.)

1. By an Act of Congress the Electors meet now on the second Monday in January next following their appointment (or election) at the place where the Legislature meets. 2 R. S. U. S., p. 527; 24 U. S. at Large 373.

216. Vote of Electors.

10. Such Electors when so assembled, and such vacancies are so filled, shall then and there proceed to vote, by ballot, for President and Vice-President of the United States, and perform the duties required by the Constitution and laws of the United States. (R. S. 1901, §6349; R. S. 1897, §6651; R. S. 1894, §6349; R. S. 1881, §4778.)

217. Pay of Electors and Marshals.

11. The compensation of such Electors and Marshals shall be audited by the Auditor of State, and paid by the State Treasurer out of any moneys not otherwise appropriated, as follows, to wit: Such Electors as attend shall receive the same per diem and mileage as members of the General Assembly; each Marshal shall be allowed ten cents for every mile he shall travel in collecting said returns, and in going to and from the seat of government, to be computed by the nearest and most usual route from county-seat to county-seat, and to the seat of government to and from the county-seat of the county in which he resides. (R. S. 1901, §6350; R. S. 1897, §6652; R. S. 1894, §6350; R. S. 1881, §4779.)

CHAPTER 5.

VOTING WITH MACHINES.

SEC.		SEC.	
218.	Commission.	234.	Recording roll.
219.	Examine machines—Report.	235.	Custody of Keys.
220.	Construction and assignment of machines.	236.	Laws applicable.
221.	Purchasing machines.	237.	Officers neglect of duty, penalties.
222.	Paying for machines.	238.	Injuring machine or ballots.
223.	Bribing County Commissioners.	239.	False affidavit.
224.	School Commissioners.	240.	Using distinguishing marks, penalties.
225.	Election rooms.	241.	Officers tampering with machine, penalty.
226.	Illiterate voters.	242.	False returns, penalty.
227.	Ballot label.	243.	Cities and towns may use machines.
228.	Sample ballot.	244.	Experimental use.
229.	Duties of the Inspector.	245.	Printing ballots, when.
230.	Irregular ballots.	246.	Laws repealed.
231.	Conduct of voter.		
232.	Announcement of result.		
233.	Locking machines.		

[Acts 1901, p. 591. Approved and in force March 15, 1901.]

218. Commission.

1. There is hereby constituted a body to be known as the Indiana Voting Machine Commission. It shall consist of three members, competent and responsible persons, one of whom shall be a mechanical expert, not more than two of whom shall be members of the same political party, and none of whom shall have any pecuniary interests in any voting machine. Their term of office shall be four years from the date of appointment. They and their successors shall be appointed by the Governor, who shall have power to remove a Commissioner at any time and to fill all vacancies. The first Commissioner shall be appointed within thirty days after the taking effect of this act. The Commissioners shall qualify by taking an oath in writing, to support the Constitution of the United States and of the State of Indiana, and to faithfully and honestly discharge their duties and filing the same in the office of the Auditor of State; and all such examinations shall be public. (R. S. 1901, §6326.)

219. Examine Machines—Report.

2. Any person or corporation owning or being interested in any voting machine, may apply to said Commission to examine such machine and report on its accuracy, efficiency and capacity. The Commissioners shall examine the machine and make and file a report thereon in the office of the Secretary of State. They shall state in the report whether the kind of machine so examined complies with the requirements of this Act and can be safely used by voters at elections under the conditions prescribed in this Act.

If the report be in the affirmative upon said questions, the machine shall be deemed approved by the Commission, and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved, any improvement or change that does not impair its accuracy, efficiency or capacity shall not render necessary a re-examination or re-approval thereof. Any form of voting machine not so approved can not be used at any election. Each Commissioner shall be entitled to fifty dollars (\$50) for his compensation, and expenses, in making such examination and report, to be paid by the person or corporation applying for such examination, which may be demanded in advance of making the examination. The Commission may if it consents to do so go to any point in the State for the purpose of examining a machine, but it shall not be compelled to make such examination at any place other than the capital of the State. (R. S. 1901, §6327.)

220. Construction and Arrangement of Machine.

3. No machine shall be approved by the Commissioners unless it be so constructed as that it affords each elector an opportunity to vote in absolute secrecy; to vote a straight party ticket, or part of one party ticket and part of another or other party tickets; to vote for all candidates for whom he is entitled to vote, and prevents him from voting for any candidate more than once; that prevents the elector from voting for more than one person for the same office unless he is lawfully entitled to vote for more than one person therefor, and in that event permits him to vote for as many persons for that office as he is by law entitled, and no more; and that such machine will correctly register by means of mechanical counters every vote cast on the regular tickets thereon; that the machine shall be provided with seven pairs of "yes" or "no" counters with the operating or voting devices therefor, and shall have the capacity to contain the tickets of seven political parties with the names of all candidates thereon, except that it may be so constructed as that the names of all candidates for presidential electors will not occur thereon, but in lieu thereof one ballot label in each party columns or row shall contain only the words "Presidential Electors" preceded by the party name; and every vote registered for such ballot label shall operate as a vote for all candidates of such party for presidential electors and shall be counted as such; and that all votes cast on the machine on a regular ballot or ballots shall be registered. It shall also be so constructed as that any elector may by means of irregular ballots or otherwise vote for any person for any office although such person may not have been nominated by any party and his name may not appear on such machine; and that when a person is voted for for

any such office, when name does not appear on the machine, the elector can not vote for any name on the machine for the same office. It shall be so constructed as that each elector may readily understand and understandingly and within the period of one minute cast his vote for all candidates of his choice. In case the machine is so constructed as that the candidate for presidential electors of any party can only be voted for by voting for the ballot label containing the words "Presidential Electors," it must be so constructed as that by voting an irregular ticket as hereinafter defined, the elector may vote for any person or persons he may choose for presidential electors. The machine must be provided with a lock or locks by the use of which any movement of the voting or registering mechanism is absolutely prevented, and so that it can not be tampered with or manipulated for any fraudulent purpose; and the machine must be susceptible of being so closed during the progress of the voting as that no person can see or know the number of votes registered for any candidate. (R. S. 1901, §6328.)

[Acts 1903, p. 278. In force April 22, 1903.]

221. Purchasing Machines.

4. The Board of Commissioners of every county in this State in which is located a city having a population of thirty-six thousand or more, according to the last preceding United States census, shall and the Board of Commissioners of all other counties in this State may, adopt and purchase or procure for use in the various precincts of the county, any voting machine approved in the manner above set forth in this act by the voting machine commission, and none other: Provided, That the Board of Commissioners shall purchase or procure no voting machine unless the party or parties selling it shall guarantee, in writing, to keep the machine in working order for not less than five (5) years without additional cost to the county, and give a bond conditional to that effect; but it shall be the duty of such Board of Commissioners to adopt and purchase or procure no such machine unless they are themselves satisfied that it complies with the requirements of Section 3 of this act, and that it is thoroughly reliable and correct in its operation, readily understood and operated, cannot be fraudulently manipulated, and will unquestionably maintain the secrecy of the ballot. If it shall be impossible to supply each and every election district with a voting machine, or voting machines, at any election following the adoption of such machines in a county, as many may be supplied as it is possible to procure, and the same shall be used in such precincts of the county as the Board of Commissioners shall order. The precincts in which voting machines are used shall contain as near as practicable six hundred voters: Provided, This number of voters may be re-

duced in country precincts at the discretion of the County Commissioners. The boundaries of such precincts shall be established by the Board of Commissioners not later than their regular June session of the year in which a general election occurs in this State, and the order of the Board of Commissioners for the use of voting machines in such precincts shall be made at the same time that the boundaries are so established; and said boundaries shall not be changed, nor said order rescinded, after such June session of the Board of Commissioners until after the next ensuing general election: Provided, That if for any reason, it should turn out to be impossible to obtain machines for use in such precincts, then the same may be provided or changed so as to conform to the law with reference to precincts in which machines are not used; and the notice of such division or change shall be given in the manner prescribed by law for notices of change of precinct boundaries; And provided further, That if the Board of County Commissioners shall have on hand, and certainly ready for use at the election, more machines than precincts have been provided for, they may, at any regular or special session not later than the first day of September in any year in which a general election is held, unite two or more precincts into one for the purpose of using therein at such election a voting machine, and notice of such uniting shall be given in the manner prescribed by law for notice of change in the precinct boundaries. And the order for use of machines in such united precincts shall be made by the Board of County Commissioners at the time such precincts are united. The Board of County Commissioners shall have the care and custody of all machines while not in use. (Acts 1903, p. 278; R. S. 1905, §6329.)

222. Paying for Machines.

5. Payment for voting machines purchased or procured may be provided for in such manner as is deemed best for the interests of the county. Money may be borrowed for the purpose, and bonds or other evidences of indebtedness of the county be issued and sold in the same manner and upon the authority prescribed by law. (Acts 1903, p. 278; R. S. 1905, §6330.)

223. Penalty for Bribe.

3. Any member of any Board of County Commissioners of any county who shall receive or accept, directly or indirectly, any money, property or other thing of value for his influence, vote or action in connection with the purchase of any voting machine or voting machines by such county from any person, firm or corporation shall be fined in a sum not to exceed three thousand (\$3,000.00) dollars, to which may be added imprisonment in the

State's prison for a term of two to four years, and shall also be disfranchised for a period of ten years. (Acts 1903, p. 278; R. S. 1905, §6330a.)

224. School Commissioners.

4. In the elections in which there shall be School Commissioners to be elected, the proper Board of Election Commissioners shall arrange the names of candidates for School Commissioners in order on the several machines in such a way, so far as possible, that the name of each candidate shall appear at the head of the column for his term of office as often as that of any other such candidate shall so appear, and in second, third and fourth place, and each succeeding place, a like number of times. (R. S. 1905, §6330b.)

225. Election Rooms.

3. The room in which the election is held shall have a railing separating the part of the room to be occupied by the Election Board from that part of the room occupied by the voting machine. The exterior of the voting machine and every part of the polling place shall be in plain view of the Election Board. The machine shall be so placed as that no person on the opposite side of the railing can see or determine how the voter cast his vote. And that no person can see or determine from the outside of the room. After the opening of the polls neither the Inspector nor any Judge of the election shall allow any person to pass within the railing to the part of the room where the machine is situated, except for the purpose of voting, except as provided in the next succeeding section of this Act; and they shall not permit more than one voter at a time to be in such part of the room. They shall not themselves remain or permit any person to remain in any position or near any position that would permit him to see or ascertain how the voter votes or how he has voted. No voter shall remain within the voting booth or compartment longer than one minute, and if he should refuse to leave it after the lapse of that time, he shall at once be removed by the Election Board or election sheriff or sheriffs upon the order of the Board. (R. S. 1901, §6331.)

226. Illiterate Voter.

7. If any voter shall in the presence of the Election Board make affidavit in writing that he is unable to read the English language or that by reason of physical disability, setting out the particulars in which said physical disability exists, he is unable to register his vote upon the machine, he shall be accompanied into the voting booth by both of the election clerks, and there declare his choice of candidates to such clerks, who, in his presence and

in the presence of each other, shall register his vote upon the machine for the candidates of his choice.

Any poll clerk or poll clerks who shall deceive any elector in registering his vote under this section, or who shall register his vote in any other way than as requested by such person, or who shall give information to any person as to what ticket or for what person or persons such person voted, shall be guilty of a felony, and on conviction shall be imprisoned in the penitentiary not more than five nor less than two years, and disfranchised for any determinate period not less than five years. (R. S. 1901, §6332.)

227. Ballot Label.

8. That portion of cardboard, paper, or other material, placed on the front of the machine containing the names of the candidates, or a statement of a proposed constitutional amendment or other question or proposition to be voted on, shall be known in this Act as a ballot label. The ballot label shall be caused to be printed and shall be furnished by the County Board of Election Commissioners, and shall be printed in black ink on clear white material of such size as will fit the machine, and in plain, clear type as the space will reasonably permit. The party device for such political party, which has been adopted in accordance with law, and the party name or other designation shall be prefixed to the list of candidates of such party. (R. S. 1901, §6333.)

228. Sample Ballots.

9. The State Board of Election Commissioners shall cause to be printed, for the use of the County Board of Election Commissioners of the several counties of the State five sample ballots, which shall be exact copies of the official ballots which are caused to be printed by them, but on different colored paper from the official ballots; said sample ballots shall be enclosed in a separate wrapper or envelope from that of other papers delivered by the State Board of Election Commissioners to the Clerk of the Circuit Court or his messenger, and shall be directed to the County Board of Election Commissioners; and they shall be delivered to the Clerk of the Circuit Court or other messenger who carries the official ballots from the State Board of Election Commissioners to the county, and shall be by him carried to the office of the Clerk of the Circuit Court of the county and there deposited and kept until taken into the custody of the County Board of Election Commissioners. The County Board of Commissioners shall provide at least five sample ballots for each precinct of the county in which a voting machine is to be used, which shall be arranged in the form of a diagram showing the entire front of voting machine as it will appear after the ballot labels are arranged thereon for vot-

ing on election day. The party ticket on such sample ballots, the offices to be filled and the names of the candidates thereon, shall be arranged in the same order in which they occur on the official ballots printed under the jurisdiction respectively of the State and County Board of Election Commissioners, except where presidential electors are to be voted for at any election and the machine to be used is not sufficient to carry the names of all of the candidates for such electors, then there may be placed as the first ballot label of each party ticket, a ballot containing the words "Presidential Electors," preceded by the name of the political party. The ticket of each political party on such sample ballot shall be arranged in the following order: First, the State ticket or ticket voted for by the whole State; second, the county ticket, and third, the township ticket, if any. In all cases the ticket shall be arranged on the machine for the purpose of voting, in exact accordance with the sample ballot so furnished by the County Board of Election Commissioners. At least three of such sample ballots shall be posted by the Inspector of the precinct or under his direction near the entrance of the chute at the election precinct, and shall there be open to public inspection during the whole of election day. In addition to said sample ballots the Board of Election Commissioners may furnish in connection with instruction cards, diagrams of the front of the machine with ballot labels pasted thereon, at least two of which shall also be posted up near the voting place if furnished. (R. S. 1901, §6334.)

229. Duties of Inspectors.

10. The Inspector of each election precinct in which a voting machine is to be used, shall appear at the office of the Clerk of the Circuit Court not more than three nor less than two days before the election, and there receive from the County Board of Election Commissioners the sample ballots, three complete sets of ballot labels, and all poll books, and other supplies of whatever character necessary to conduct the election in his precinct, and make return thereof. The County Board of Election Commissioners shall, before the day of election, cause the proper ballot labels to be put upon each machine corresponding with the sample ballot herein provided for, and the machine in every way to be put in order, set and adjusted, ready for use in voting when delivered at the precinct; and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one or more competent persons and cause him or them to be paid out of the county treasury in the same manner that other expenses incurred by the said board are paid. And the Board of County Commissioners shall cause the machine so labeled, in order, set and adjusted, to be delivered at the voting precinct, to-

gether with all necessary furniture and appliances that go with the same in the room where the election is to be held in the precinct, not later than six o'clock p. m. of the day preceding the election. After the delivery of such machine and on the same day the Inspector and Election Judges of the precinct may meet at said room, open the package containing the sample ballots and if necessary the ballot labels, and see that said machine is correctly labeled, set and adjusted, ready for use in voting; and if the same is not so labeled, set and adjusted and in order, they shall immediately label, set and adjust the same and place it in order or cause it to be done. On the morning of the election the Election Board, including the Inspector, Judges, Poll Clerks and Sheriffs, if any, shall meet at said room at least one hour before the time for opening the polls. The Inspector shall then cause the chute on the outside of the building to be erected, sample ballots and instruction cards to be posted, and everything put in readiness for the commencement of voting at the hour of opening the polls. The Election Boards, in the presence of the clerks, shall compare the ballot labels on the machine with the sample ballot, see that they are correct, examine and see that all the counters in the machine are set at zero, and that the machine is otherwise in perfect order, and they shall not thereafter permit the counters to be operated or moved except by electors in voting, and they shall also see that all necessary arrangements and adjustments are made for voting irregular ballots on the machine. (R. S. 1901, §6335.)

230. Irregular Ballots.

10½. Ballots voted for any person whose name does not appear on the ballot label on the machine as a candidate for office, are herein referred to as irregular ballots. Where two or more candidates are to be elected to the same office the voting devices belonging to all the candidates for said offices shall be included in a group herein referred to as a multicandidate group. Except for presidential electors, and except in multicandidate groups, where the irregular balloting device requires otherwise, no irregular ballot shall be voted for any person for any office whose name appears on the ballot label on the front of the machine as a candidate for that office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

In voting for presidential electors an elector may vote an irregular ticket, made up of the names of persons in nomination by different parties or partially of the names of persons so in nomination and partially of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular bal-

lot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose. (R. S. 1901, §6335a.)

231. Conduct of Voter.

11. When a voter has passed the challengers and entered the election room he shall announce his name to the Poll Clerk in the presence of the Board and each of the Poll Clerks shall write his name on the poll book in his possession. If not challenged by any member of the Board, the voter shall then be permitted to pass the railing to the side where the machine is and into the voting booth or compartment, and he shall there register his vote in secret. Having done so he shall immediately pass out and announce to the clerks that he has voted, who shall write opposite his name "voted," and he shall leave the room. Not more than one voter at a time shall be permitted on the side of the railing where the machine is, and not more than one other voter shall be permitted in the room while he is in. And not more than one voter besides the Election Board, Clerks and Sheriffs, shall be permitted in the room at a time, if any member of the Election Board objects thereto. (R. S. 1901, §6335b.)

232. Announcement of Result.

12. As soon as the polls of the election are closed the Inspector, in the presence of the Judges and Poll Clerks, shall immediately lock the voting machine against voting and open the counting compartment, giving a full view of all the counter numbers to all members of the Election Board, including Poll Clerks and Sheriffs. The Inspector shall, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counter numbers, and shall then read the votes recorded for each office on the regular ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition or other question voted on. The vote so announced by the Inspector shall be taken down by each of the Poll Clerks and recorded on books or papers prepared for that purpose. They shall record the number of votes received for each candidate on the regular ticket and also the number received by each person on the irregular ticket. The certificates of the number of votes cast for each person shall be made and signed as required by law in case of other election returns, and all statements of the number of votes required by law in duplicate, triplicate or otherwise, shall be made, signed by the election officers. And such certificates and other papers shall be returned to the office of the Clerk of the Circuit Court, and to the Board of Canvassers in the same manner, under the same regulations and penal-

ties as are prescribed by law for election returns from precincts in which no voting machine is used. (R. S. 1901, §6335c.)

233. Locking Machine.

13. The Inspector, as soon as the count is completed and fully ascertained, as in this Act required, shall close and lock the machine against voting or being tampered with, and it shall so remain for a period of at least thirty days. When irregular ballots have been voted the Inspector shall return all of such ballots in a properly secured sealed package, endorsed "irregular ballots," and indicating the precinct and county, and file such package with the Clerk of the Circuit Court. It shall be preserved for six months after such election, and may be opened and its contents examined only upon an order of a court of competent jurisdiction; at the end of six months, unless ordered otherwise by the Court, such package and its contents may be destroyed. (R. S. 1901, §6335d.)

234. Recording Roll.

14. A voting machine which possesses all of the qualities required by this Act may be supplied in addition, with a paper recording roll on which all the votes registered on the mechanical counters will be separately recorded on such roll. When a machine is supplied with such roll the same shall not be taken out or examined by the Election Board who makes the return from the precinct, but such machine shall be locked with such roll therein, and so remain for the period of at least thirty days unless within that time the machine be ordered opened and the roll taken out and examined by some court of competent jurisdiction. At the end of such thirty days such roll may be taken out unless otherwise ordered by a court of competent jurisdiction. (R. S. 1901, §6335e.)

235. Custody of Keys.

14½. When the machine is locked at the close of an election in the manner required by this Act, the Inspector shall place all keys of the machine on a strong and sufficient string or wire, label the same with the make and number of the machine and precinct at which used at such election, and return such keys to the Auditor of the county not later than ten o'clock a. m. of the Thursday following the election. The Auditor shall securely keep such keys and not permit the same to be taken, or any voting machine unlocked, for a period of thirty days from the election unless ordered otherwise by a court of competent jurisdiction. At the end of such thirty days he shall turn all keys over to the Board of Commissioners unless otherwise ordered by Court. (R. S. 1901, §6335f.)

236. Laws Applicable.

15. All laws of this State applicable to elections where voting is done in other manner than by machines and all penalties prescribed for violation of such laws, shall apply to elections and precincts where voting machines are used in so far as they are not in conflict with the provisions of this Act. (R. S. 1901, §6335g.)

237. Officers—Neglect of Duty—Penalties.

16. Any public officer or any election officer upon whom any duty is imposed by this Act, or who shall wilfully omit or neglect to perform such duties, or do any act prohibited herein, for which punishment is not otherwise provided herein, shall, upon conviction, be imprisoned in the State prison for not less than one year or more than three years, or be fined in any sum not exceeding two thousand (\$2,000) dollars, or may be punished by both such imprisonment and fine. (R. S. 1901, §6335h.)

238. Injuring Machine or Ballots.

17. Any person not being an election officer, who, during any election, or before any election, after a voting machine has had placed upon it the ballot label for such election, who shall tamper with such machines, disarrange, deface, injure or impair the same in any manner, or mutilate, injure or destroy any ballot label placed thereon, or to be placed thereon, or any other appliance used in connection with such machine, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the State prison for a period of not less than two nor more than ten years. (R. S. 1901, §6335i.)

239. False Affidavit.

18. Whoever shall knowingly or wilfully make a false affidavit, under any of the provisions of this Act, shall be deemed guilty of perjury. (R. S. 1901, §6335j.)

240. Using Distinguishing Marks—Penalties.

19. Whoever shall induce or attempt to induce any elector to write, paste or otherwise place on an irregular ballot voted on a voting machine at any election, any name, sign or device of any kind as a distinguishing mark by which to indicate to another how such elector has voted; or shall enter into or attempt to form any agreement or conspiracy with any person to induce or attempt to induce or attempt to induce electors, or any elector, to so place any distinguishing mark on such ballot; or who shall attempt to induce any elector to do anything with a view to enabling another person to see or know for what ticket or for what persons or any

of them such elector votes on such machine; or who shall enter into or attempt to form any agreement or conspiracy to induce any elector to do anything for the purpose of enabling another person or persons to see or know for what ticket, person or persons such elector votes; or who shall attempt to induce any person to place himself in such position, or to do any other thing as will enable him to see or know for what ticket or candidates any elector other than himself votes on such machine; or who himself attempts to get in such position, or do any other thing, so that he will be enabled to see or know how any elector other than himself votes on such machine, shall be guilty of a felony, and on conviction imprisoned in the State prison not less than two nor more than five years. (R. S. 1901, §6335k.)

241. Officers Tampering with Machine—Penalty.

20. Whoever, being an Inspector, Judge or Clerk of an election, with intent to cause or permit any voting machine to fail to correctly register all votes cast thereon, tampers with or disarranges such machine in any way, or any part or appliance thereof; or who causes or consents to said machine being used for voting at any election with knowledge of the fact that the same is not in order, or not perfectly set and adjusted so that it will correctly register all votes cast thereon; or who, for the purpose of defrauding or deceiving any voter or of causing it to be doubtful for what ticket or candidate or candidates or proposition any vote is cast, or of causing it to appear upon said machine that votes cast for one ticket, candidate or proposition, were cast for another ticket, candidate or proposition, removes changes or mutilates any ballot label on said machine or any part thereof, or does any other thing, shall be deemed guilty of a felony, and upon conviction imprisoned in the State prison not less than two years nor more than ten years, and disfranchised for any determinate period, to which may be added a fine of not exceeding one thousand (\$1,000) dollars. (R. S. 1901, §6335l.)

242. False Returns—Penalty.

21. Any Inspector, Judge or Clerk of an election, who shall, at the close of the polls, purposely cause the vote registered on such machine to be incorrectly taken down as to any candidate or proposition voted on, or who shall knowingly cause to be made or signed any false statement, certificate or return of any kind, of such vote; or who shall, knowingly consent to said things or any of them being done, shall be deemed guilty of a felony, and on conviction shall be imprisoned in the State prison not less than two years nor more than ten years, to which may be added a fine of not more than one thousand (\$1,000) dollars. (R. S. 1901, §6335m.)

243. Cities and Towns May Use Machines.

22. The City Council and Board of Aldermen, where there is a board, of any city in this State, and the Town Trustees of any town in this State, may, after voting machines have been adopted in the county by the Board of Commissioners, and are on hand, ready for use, by an ordinance duly passed, adopt such machines for use at any election of such city or town respectively; and if there are not sufficient machines on hand for every precinct of the city or town, they may provide in such ordinance in what precincts voting machines shall be used at such election and fix the boundaries of the precinct. The County Commissioners shall furnish to such city or town the requisite number of voting machines, together with all the furniture and appliances that go therewith, to be used in such precincts, but such town or city shall pay the expense of moving such machine and furniture to and from the polling places, and also for any damage or loss to such machines or furniture. The City Board of Election Commissioners shall discharge the duties required by this Act to be discharged by the County Board of Election Commissioners. And all of the provisions of this Act and penalties prescribed, shall apply to town and city elections and all officers thereof and connected therewith, and all proceedings and doings in preparing for and holding city or town elections at which such voting machines are used. (R. S. 1901, §6335n.)

244. Experimental Use.

23. The Board of County Commissioners, the City Council, and Board of Aldermen, where there is such board, and Trustees of a town authorized by this Act to adopt voting machines, may provide for the experimental use at an election in one or more precincts, of a machine approved by the Indiana Voting Machine Commission without a formal adoption of purchase thereof; and its use at such election shall be as valid for all purposes as if formally adopted. (R. S. 1901, §6335o.)

245. Printing Ballots, When.

24. The Board of Election Commissioners shall cause to be printed ballots for all elections as now provided by law and to deliver a sufficient number thereof to the Clerk of each county, or in case of a city election then to the City Clerk, wherein voting machines have been adopted, so that in case any voting machine should get out of order or fail to work, the Clerk could furnish necessary ballots to each precinct in which such voting machines so failing to work are located, in order that the election might go on. The Clerk of the county, town or city in which such voting machines are adopted, shall be at his office from 5 o'clock a. m. un-

til 6 o'clock p. m. on all election days, and be ready at any time between such hours to deliver to any precincts in his county, town or city, necessary ballots together with election booths, ballot boxes, and all necessary paraphernalia as now required by law upon notice that any voting machine is out of order or fails to work: Provided, That if the number of voters in any precinct in which any such voting machine is placed shall exceed in number three hundred persons, then the Clerk shall furnish and send to the voting places in such precinct election booths with six stalls. (R. S. 1901, §6335p.)

246. Laws Repealed.

25. An Act entitled "An Act to provide for the greater purity of elections, for the casting, registering, recording and counting of votes by means of voting machines, and supplementary to, and in aid of, an Act entitled 'An Act concerning elections, providing penalties for the violation of the same, and repealing all laws in conflict therewith,' approved March 6, 1889, and laws supplementary thereto, and amendatory thereof, and declaring an emergency," approved March 2, 1899, is hereby repealed, and all other laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

NOTE—The statute repealed is that authorizing the use of voting machines. Acts 1889, p. 365.

CHAPTER 6.

PRIMARY ELECTIONS.

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[1901, p. 495. Approved and in force March 11, 1901.]

247. To What Counties Act Applicable.

1. Any and all political parties in counties of the State in which there is located a city with a population of fifty thousand or more according to the last preceding United States census, which cast at the then last preceding general election ten per cent. of the total vote, desiring to nominate any candidate or candidates for any office or offices in any county, city, town, township or municipality in this State, or direct, or manage, or control a campaign for the election of any candidate or candidates for any office or offices in any county, city, town, township or municipality in this State, shall make such nominations and conduct such campaigns in the manner prescribed in this Act. (R. S. 1901, §6339c.)

248. Board of Election Commissioners.

2. For the purpose of the formation of party organizations as hereinafter provided, the chairman of the county or city central committee, respectively, of the various political parties or organizations who is now acting or who shall hereafter be appointed or elected as such chairman, shall be chairman of, and together with the vice-chairman, secretary and treasurer of such central committee, and not less than one qualified voter who is a freeholder in such ward or township, from each ward or township, to be appointed by such chairman, such appointees to be of the same political party as such

chairman, shall constitute what shall be hereafter known as the county, city, town, township or municipality Board of Primary Election Commissioners of the party for which they are authorized to act, and a majority of such Board of Primary Election Commissioners shall constitute a quorum for the transaction of business; and each member of the Board of Primary Election Commissioners shall take an oath and put the same in writing and file the same with the City or County Clerk, as the case may be, to faithfully and impartially discharge his duties as a member of such board; and such chairman, vice-chairman, secretary and treasurer shall perform the duties usually performed by officers of party organizations. (R. S. 1901, §6339d.)

249. Precinct Committeemen.

3. Such county or city chairman, as provided for in the foregoing section, shall, at least twelve weeks prior to any general or municipal election, issue a call for the election of precinct committeemen, such call to be made by publication in some daily newspaper of general circulation published in such county or city, and such publication shall be made at least three days prior to the date set for such primary election; such chairman shall appoint an Inspector, Judge and Clerk in each precinct, who shall constitute a Board of Elections of such precinct, and all such appointees shall be qualified voters of the precinct for which they shall be appointed, and all such Inspectors herein provided for shall qualify by taking the oath prescribed by the general election laws for Inspectors at general elections before some person authorized to administer oaths, and file the same with the City or County Clerk, as the case may be, and said Inspector shall, at the time of such primary and immediately preceding the opening of the polls, administer a similar oath to the Judge and Clerk of such precinct. No two political parties shall hold their primaries in the same place and at the same time. All polls shall be open for the election of such precinct committeemen between the hours of 4 p. m. and 8 p. m. (R. S. 1901, §6339e.)

250. Election of Precinct Committeemen.

4. All elections for such committeemen shall be by ballot; each qualified, legal voter of the precinct, who at the last preceding election voted for the regularly nominated candidates of the party, and affiliated with the party holding such election for such committeemen, shall be entitled to vote at such election; any qualified, legal voter in such precinct may challenge any voter, or any person who shall offer to vote at such election, and, when so challenged, such person shall not be entitled to vote until he has made affidavit that he is a qualified, legal voter of the precinct; that at

the last preceding election he affiliated with the party holding such election; that he voted for the regular nominees of such party at such election; and that he intends to support and vote for the regular nominees of such party at the coming election: Provided, That any qualified, legal voter who was under twenty-one years of age at the last preceding election shall be entitled to vote at the primary of the party with which he intends to affiliate and whose candidates he intends to vote for at the approaching election, and that when such last named voter is challenged he shall only be required to make affidavit that he is a qualified, legal voter of the precinct. (R. S. 1901, §6339f.)

251. Counting Ballots—Contests.

5. Immediately upon the close of the polls in the several precincts, such Election Board shall proceed to count the ballots, and any candidate for committeeman may, either in person or by accredited representative, witness such count. Upon the completion of such count such Inspector shall announce the result; such Election Board shall also prepare in triplicate, on blanks to be furnished by such county or city chairman, certificates of such result, and such certificate shall be signed by all the members of such Election Board. The Inspectors of the several precincts shall forthwith transmit to such county or city chairman all such certificates, and one copy thereof shall be delivered to the Judge and Clerk respectively in each precinct. Should any candidate for precinct committeeman, after the completion of the count and the announcement of the result of such election by the Inspector in such precinct as herein provided for, serve notice of his intention to contest the election of any one shown to be elected on the face of the returns, such contestant shall immediately notify such Inspector in writing, and such Inspector shall place all the ballots cast in such precinct in a bag to be furnished by such county or city chairman, and securely seal such bag and transmit the same, together with such written notice of contest, to such county or city chairman; such county or city chairman shall, within twenty-four hours after the receipt of the certificate and notice of contest and bag of ballots, call together such Board of Primary Election Commissioners, and such board shall determine such contest. The contesting parties shall be entitled to be present and to be heard either in person or by representative before such board. (R. S. 1901, §6339g.)

252. Meeting of Precinct Committeemen.

6. Within ten days after such election of precinct committeemen, such county or city chairman shall issue a call for a meeting of such precinct committeemen, such call to be made at least

two days prior to the date therein fixed for such meeting, and a majority of the members elected shall constitute a quorum. At such meeting such precinct committeemen shall elect a chairman, vice-chairman, secretary and treasurer, and at the same meeting of such precinct committeemen they shall determine whether the party candidates shall be nominated by direct vote of the electors at a primary election, or by delegate convention, and such chairman, vice-chairman, secretary and treasurer shall perform such duties as are now usually performed by such officers of party organizations. (R. S. 1901, §6339h.)

253. Call for Primary—Candidates' Notice.

7. Should it be determined at such meeting to nominate party candidates by direct vote at a primary election, such county or city chairman shall issue a call for such primary election, and such call shall be issued at least three weeks prior to the date fixed therein for such primary election, and such primary election shall be held in accordance with the provisions hereinbefore set forth in Section 3 and Section 4 of this Act in so far as applicable. All eligible persons desiring to be candidates for any county, township, city or municipal office of the party holding such primary shall, ten days before such primary, file with the county or city chairman, as the case may be, a written notice of such candidacy signed by such person; and should five or more qualified voters desire to have some eligible person voted for at such primary who is not willing to file such written notice with such chairman, such five or more voters may petition to have the name of such person put on the ticket hereinafter provided for with the other candidates filing such written notices; all such notices of candidacy, or petitions for candidacy, filed at least ten days before such primary shall be by the county or city chairman, as the case may be, turned over to the Board of Election Commissioners, who shall prepare a ballot for use at such primary election, grouping all the names that are candidates for each office together and placing the names on the tickets in the order in which they are filed with chairman; within twenty-four hours next preceding such primary, such chairman shall cause to be delivered to the Inspector of every precinct not less than twice as many of such ballots as there were votes of the party holding such primary in the last preceding election in such precinct, for use in such primary election, and no other ballots shall be used or received by the Inspectors at such election. Such ballot to be voted shall be marked in like manner as the ballot is now marked in the general election. It shall be the duty of such county or city chairman upon the issuance of such call for such primary election, to appoint an Election Board for each precinct in such county, or city, such Election

Board to consist of one Inspector, two Judges and two Clerks. The members of the board shall take an oath to perform their duties under this Act as provided for in Sections 3 and 4 of this Act; notice of the place of voting in the several precincts shall be given by such county or city chairman in some newspaper of general circulation published in such county or city, and polls in all precincts shall be open from 11 o'clock a. m. to 8 o'clock p. m. Immediately upon the close of the polls in the several precincts, the precinct Board of Election shall proceed to count the ballots cast in such precinct, and such county or city chairman, as the case may be, shall, upon the request of any candidate voted for at such primary, appoint two disinterested voters of the precinct, who are freeholders of real estate located therein for one year, or householders therein for two years, to act as watchers at such count. Upon the completion of such count and before the certificate of the Inspector and Judge as prescribed herein, is made out, one of the lists of voters, and one of the tally papers, and all ballots cast, shall in the presence of the Judges and Clerks be carefully and securely placed by the Inspector in an envelope and bag, which shall then be tightly closed and well sealed with wax by the Inspector, and plainly marked on the outside with the number of the precinct and ward or township, and the same shall be delivered by the Inspector, or the Judge performing his duty, to the county or city chairman, as the case may be; the Inspector or such Judge shall securely keep said envelope and bag and permit no one to open the same, or to touch or tamper with the same, or the papers therein. Upon the delivery of such envelope as aforesaid, such Inspector or Judge shall take and subscribe to an oath that he has securely kept said envelope and the papers therein, and that the said envelope had been closed and sealed in the presence of the Judges and Clerks, and that he has not permitted any person to break the seal or to open the said envelope, or to touch or tamper with the papers therein, and that no person has broken such seal and opened such envelope to his knowledge. The chairman to whom such envelope or bag is delivered shall keep the same filed in his office for a period of thirty days and no longer, unless ordered to do so by the court, and shall then destroy the same by burning. He shall keep for said period said bag so sealed that the papers therein will remain in the same condition as when received in his office, unless the same be opened in the presence of the Primary Election Commissioners as herein provided. Upon the completion of the count a certificate shall be prepared and seven copies made by the Election Board showing the number of votes cast for each candidate in the several precincts, which shall be signed by all the members of the Election Board and the Clerks thereof; one copy of such certificate shall be immediately transmitted by the several

Inspectors to the county or city chairman, as the case may be; a copy of such certificate shall be delivered by the Inspector to each Judge, Clerk and Watcher, if any, in the precinct. Qualifications of such electors at such primary election shall be the same as those prescribed in Sections 3 and 4, providing for the election of precinct committeemen, and all provisions set forth in such sections governing the right to challenge and the form of affidavit required of such challenged voters, shall apply to persons seeking to vote at such primary elections as provided for in this section. (R. S. 1901, §6339i.)

254. Tabulating Returns.

8. Within twenty-four hours after the receipt of the certificates and ballots by such county or city chairman from the several Precinct Election Boards, such county or city chairman shall call together such Board of Primary Election Commissioners and shall tabulate the returns made by such several Precinct Election Boards, and the person receiving the highest number of votes for the various offices balloted for, shall be declared the nominee of the party for such office. (R. S. 1901, §6339j.)

255. Delegates to Convention.

9. Should such meeting of precinct committeemen, provided for in Section 6 herein, determine to make nominations of party candidates by delegate convention, such county or city chairman shall, not less than two weeks prior to the date fixed for such delegate convention, issue a call for primaries to be held in the several precincts for the election of delegates to such convention. The number of delegates to which each precinct shall be entitled shall be determined by the Board of Primary Election Commissioners. Such call shall also fix the time of holding such delegate convention, provided that the same shall be held not more than twenty-four hours after the election of such delegates. The same provisions shall govern such primaries for the election of delegates and also all other delegate primaries called by any such party, as are hereinbefore provided for in Sections 3 and 4 of this Act governing the election of precinct committeemen. It shall be the duty of such county or city chairman, immediately upon the receipt of the certificates of the Inspectors of the several precincts, to call together the Board of Primary Election Commissioners, who shall, after examination of the certificates, determine any contests, should there be any, and issue credentials to the duly elected delegates, who shall meet in delegate convention, such convention to be held at such hour and place as shall have been fixed before the election of such delegates. (R. S. 1901, §6339k.)

256. Expenses.

10. The expenses necessary to carry out the provisions of this Act shall be borne by the respective party organizations, and no part thereof shall be paid from the public funds. (R. S. 1901, §6339l.)

257. Qualification of Members of Election Board.

11. No person shall be eligible as a member of any Primary Election Board mentioned herein; either as Inspector, Judge or Clerk thereof, unless he be at the time a qualified voter of the precinct, and shall for at least one year next preceding have been a resident freeholder and householder of the territory at the time of the primary embraced in the precinct, or shall have been for at least two years next preceding a resident householder of such territory; but no person shall be eligible who has anything of value bet or wagered on the results of such primary, or who is a candidate to be voted for thereat, or who is a father, father-in-law, son, son-in-law, grandfather, grandson, brother, brother-in-law, uncle, nephew, first or second cousin of any candidate to be voted for at such primary. If before or during the primary mentioned herein it should be made to appear by affidavit of two or more qualified voters of the precinct who are recognized members of the party holding the primary any member of the Election Board is ineligible under the provisions of this Act, he shall at once be removed from office and his place filled by the remaining members. No primary election shall be held in a room in which spirituous, vinous, malt or other intoxicating liquors are kept or sold, and no such liquor shall be bought or drank on the premises during such primary election. (R. S. 1901, §6339m.)

258. Poll-Books—Blanks.

12. The county or city chairman, as the case may be, shall deliver to the Inspector of the Election Board in the several precincts, more than three days prior to any primary election, a suitable number of blank forms of poll-books prepared to contain lists of voters who shall vote at such primary, for use thereat; and also forms for election returns, with the proper caption, forms of oath, certificates, tally papers, bags and sealing wax necessary to be used at such primary for recording, counting and the return of the votes cast thereat. (R. S. 1901, §6339n.)

259. Manner of Voting.

13. Upon entering the room at any primary, provided for herein, the voter shall announce his name to the Clerks, and they shall register his name in the poll-book of voters, and if unchallenged the voter shall deliver his ballot to the Inspector or to the

Judge who is temporarily authorized to act for him, and shall forthwith in the presence of the voter and of the Election Board deposit the ticket in the ballot box, to be furnished by the proper organization holding the primary, and thereupon the clerks shall write to [the] word "voted" after the name of such voter, and he shall immediately leave the room. (R. S. 1901, §6339o.)

260. Illegal Voting—Penalty.

14. Should any person not having legal qualifications of a voter, under this law, vote or offer to vote at such primary election, he shall be fined not more than \$500 and not less than \$10 and imprisoned not more than one year, nor less than one month, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §6339p.)

261. Voting in Wrong Precinct—Penalty.

15. Any person knowingly voting, or offering to vote, at a primary election, in any precinct, ward or township except the one in which he resides, shall be fined not more than \$500 and not less than \$10, and imprisoned in the county jail for not more than one year and not less than one month, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §6339q.)

262. Voting More Than Once—Penalty.

16. Whoever votes more than once at any primary election in this State, either at the same precinct, or ward, or different precincts or wards, shall be fined not more than \$1,000 nor less than \$50, imprisoned in the State prison not more than five years and not less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §6339r.)

263 False Affidavit.

17. Whoever shall knowingly or willingly make false affidavit under any of the provisions of this Act shall be deemed guilty of perjury, and shall be punished in accordance with the general laws of this State relating to the crime of perjury. (R. S. 1901, §6339s.)

264. Officer's Neglect of Duty.

18. Any officer upon whom any duty is imposed by this Act who shall wilfully neglect the execution and performance of such duty or do any act prohibited herein for which punishment is not otherwise provided herein, shall be deemed guilty of felony and upon conviction shall be imprisoned for not more than three years nor less than six months, and fined not more than three thousand

dollars and not less than one thousand dollars, and be disfranchised for a determinate period of not less than ten years. (R. S. 1901, §6339t.)

265. Selling Vote—Penalty.

19. Whoever, being entitled to vote at any primary provided for herein, or being a delegate at any convention provided for herein, sells, barter, or offers to sell or barter his vote, or offers to refrain from voting for any candidate or candidates for any office for money or property, or anything of value, or any promise of favor or hope of reward, or who shall accept any money, property or anything of value with the promise of or pretense of voting for or refraining from voting for any candidate or candidates, shall be guilty of felony, and upon conviction shall be imprisoned not more than five years nor less than two years in the State prison and shall be disfranchised for any determinate period of not less than ten years. (R. S. 1901, §6339u.)

266. Bribing Election Officers—Penalty.

20. If an[y] person shall induce, or attempt to induce, any member of any Primary Election Board provided for herein, or any Clerk thereof, or any member of the Board of Primary Election Commissioners, or any officer of any political organization to violate any of the provisions of this Act, whether or not such member of any Election Board, or Clerk thereof, or member of the Board of Election Commissioners, or officers of any political organization shall violate or attempt to violate any of the provisions of this Act, such person shall be deemed guilty of a felony, and upon conviction shall be imprisoned in the State's prison not less than two years and not more than five, and shall be disfranchised for any determinate period of not less than ten years. (R. S. 1901, §6339v.)

267. Informal Papers—Examining Papers.

21. No tally paper, poll-book or certificate returned from any primary election precinct shall, in the absence of fraud, be rejected for want of form, or for lack of being strictly in accordance with the directions herein contained, if the same can be satisfactorily understood. The Board of Primary Election Commissioners may, if they deem it necessary to clearly understand the returns from any precinct, open the sealed bag in the custody of the chairman, containing one of the poll-books and tally sheets and ballots cast, and examine and compare them. They shall again seal, with the papers placed therein, as before opened. The board shall in no case reject the returns from any precinct, if the same be certified by the Board of Election of that precinct as re-

quired by law, or can be satisfactorily understood. (R. S. 1901, §6339w.)

268. Altering or Destroying Returns—Penalty.

22. Any Inspector or Judge of a Primary Election Board, or any person acting for any of them, or any Clerk of any such board, or any member of the Board of Primary Election Commissioners, or any officer of any political organization who shall, with intent to cheat or defraud, alter any primary election returns as made by the board of any voting precinct, or who shall intentionally destroy, misplace or lose any poll-book, tally sheet or ballot, or any person who, with intent to cheat or defraud, shall alter in any way the vote of any candidate, or any person in custody of any such returns made by any precinct Election Board, or any member of the Board of Primary Election Commissioners who shall consent to and permit, or make any such alterations of such returns, poll-books, tally sheets or ballots, shall be fined not more than \$1,000 and not less than \$50, and imprisoned in the State-prison not more than five nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for [any] determinate period. (R. S. 1901, §6339x.)

269. Candidate's Expense Account, Filing.

23. Any candidate for any county, township, city or municipal office voted for at any convention or primary provided for herein shall, within ten days after such primary or convention at which such candidate has been voted for, file in the office of the County or City Clerk, as the case may be, his itemized verified statement of the moneys expended by him for the purpose of such candidacy; any person who is such candidate and fails to file such itemized, verified statement shall be fined not more than \$500 nor less than \$50 and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1901, §6339y.)

270. Laws Repealed.

24. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed. (R. S. 1901, §6339z.)

271. Committee's Statement as to Nominations.

25. In any county of this State in which there is no city having a population of fifty thousand or more, according to the last preceding United States census, should it be determined by the central committee (composed of the precinct committeemen) of the county, township, city or town, as the case may be, to nominate candidates to be voted for at the next ensuing election, in said

county, township, city or town, as the case may be, under the provisions of this Act, by a direct vote of the electors at a primary election, or by delegate convention, then a statement in writing of such determination of said committee, verified by the chairman and secretary thereof, shall be filed in the office of the Clerk of the Circuit Court of the county, City Clerk or Town Clerk, or Township Trustee, as the case may be, then all candidates for office to be voted for on the ticket of said party at the next ensuing election in said county, city, town or township, and delegates to a convention to nominate such officers shall be chosen under and by the provisions of this Act, not otherwise, and all the provisions of this Act shall be applicable thereto, and also said bill be amended by numbering Section 25 Section 26. (R. S. 1901, §6339a1.)

[Acts 1905, p. 122. Approved March 3, 1905.]

272. Counties with City of 36,500 to 43,000—Primary Election—Date.

1. That on the first Tuesday after the second Monday in June prior to any general election a primary election shall be held for the purpose of nominating all candidates to be voted for, for any office, by the electors of only one county or any subdivision thereof; and for the purpose of electing precinct committeemen and delegates to nominating conventions, to nominate all candidates to be voted for by the electors of more than one county: Provided, further, That in case of any election not held on the first Tuesday after the first Monday in November, the primary election for such elections shall be held on the seventh Tuesday prior thereto; that this act shall not apply to the election of delegates to any national, state or congressional convention, nor to any political party which did not cast ten per cent. of the votes cast at the last preceding general election for Secretary of State, nor to any county except such as contained within its limits a city having a population of not less than thirty-six thousand five hundred, nor more than forty-three thousand, according to the last preceding United States census. (R. S. 1905, §6339b1.)

273. General Laws Applied.

2. Such primary election shall be governed by the laws now in force or hereafter enacted governing general elections, except as in this Act expressly otherwise provided. (R. S. 1905, §6339c1.)

274: Precinct Boundaries—Election of Committeeman and Delegates.

3. The boundaries of precincts at any primary election shall be the same as at the ensuing general election. Each po-

litical party, within the purview of this act, shall, at such primary election, elect, in each precinct, one precinct committeeman and as many delegates, or joint delegates, to each nominating convention of the party as may be allotted to the precinct by the county central committee of the party. Such committee shall also have power to appoint precinct committeemen and delegates to nominating conventions, in case of vacancies occurring, in any of said offices subsequent to such primary election, and to allot the election of delegates to the several precincts or to any group or groups of precincts within a single township of the county, which allotment shall be made as nearly as practicable according to the ratio of the party vote of such precincts for Secretary of State at the last preceding general election. No person shall be eligible by election, or by appointment, to the office of precinct committeeman or delegate to any nominating convention, or to hold or continue in any such office who is not an elector and bona fide resident of the precinct or group of precincts he represents. (R. S. 1905, §6339d1.)

275. Application by Candidates—Filing—Fee.

4. Any person desiring to be a candidate at any such primary election shall file with the Clerk of the Circuit Court at least fifteen and not more than twenty days prior to such election, an application, subscribed and sworn to by him, stating his name, name of his party, his place of residence, the office he desires, that he is eligible thereto, and requesting that his name be placed upon the ballot for the ensuing primary election as a candidate for such office. Such application shall be filed and numbered in the same orders in which they are presented. If the office sought be lucrative the person filing such application shall therewith pay to such Clerk the sum of twenty-five dollars, if the annual emoluments of the office desired exceed five hundred dollars, otherwise, ten dollars, the same to go into and be used as a fund to defray the expenses of such election: Provided, That any fifty electors of the county may, at any time not less than fifteen nor more than twenty days prior to such primary election, by a petition filed with the said Clerk, present as a candidate for any office to be voted for at such election any citizen who is eligible to such office; and on the payment of the fees above prescribed his name shall be placed upon the ballot as in case of individual applications. (R. S. 1905, §6339e1.)

276. Color of Tickets.

5. The names of all persons to be voted for, at any primary election, by the electors of a single township or any subdivision thereof, excepting at the primary elections of towns and cities,

shall be placed upon the yellow, or township, ballot; and the names of all persons to be voted for at such election, by all the electors of a single county, shall be placed upon the white, or county, ballot. (§6339f1.)

277. Primary Ballots—Form.

6. Primary election ballots shall bear on their face no word, emblem, device or ornamentation except as in this section indicated and provided. Across the head of the ballot shall be the words, "Make a cross thus **X** in the square at the left of the name of each person you wish to vote for; and vote only for candidate of one political party." Following these words shall be the list of candidates, headed by words indicating the party to which such candidates belong; each list, together with the squares at the left of the names, enclosed within a rectangle; the names of all candidates for the same office grouped together; each group separated from the group following by a black-faced line; the groups, in all the lists standing in the same order; with equal space allowed, in all the lists, to groups for the same office. At the head of each group of candidates and within the rectangle enclosing the group shall be the name or title of the office for which the persons named in the group are candidates, preceded by the word "For," and in case more than one person is to be elected to such office, followed by the words, "Vote for _____," filling the blank with the word indicating the number to be voted for. The names of all candidates in each group shall be placed in the same order in which the applications were filed. Candidates for election as committeemen and delegates to nominating conventions shall be grouped at the end of the list of candidates in the following order: Joint senatorial, joint representative and precinct committeemen. The space allowed for the name of each candidate shall be three-eighths of an inch. The squares at the left of the names shall be one-quarter of an inch. The intention of this section is that the said ballots shall be in the following form:

“Make a cross, thus **X** in the square at the left of the name of each person you wish to vote for; and vote only for candidates of one political party.”

DEMOCRATIC CANDIDATES.

REPUBLICAN CANDIDATES.

For	For
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	
<hr/>	
For	For
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

(R. S. 1905, §6339 g1.)

278. Qualification of Voter.

7. Any person who shall be entitled to vote at any general election shall be entitled to vote at the preceding primary election; but if any voter attempts to vote for any of the candidates of more than one political party, at any primary election, such attempt shall be deemed to be a distinguishing mark and shall invalidate the ballot. (R. S. 1905, §6339h1.)

279. Booths—Closing of Polls.

8. There shall be provided, in each precinct, at least one additional booth, for each two hundred voters in the precinct in excess of three hundred, and the polls may be kept open until eight o'clock p. m.: Provided, That if more than fifteen minutes pass at any time after six o'clock p. m. without the offer of a vote the polls shall be closed. (R. S. 1905, §6339i1.)

280. Nominees—How Determined.

9. The person, in each party, who receives at any primary election, the highest number of legal votes for any public office, shall be the nominee of his party for said office at the ensuing general election; and the person receiving the highest number of legal votes for any party office, shall be declared to be the choice of his party for such office. If two or more persons shall receive the highest and an equal number of votes for the same office, the canvassing board shall immediately, upon the conclusion of a count and before certifying the result determine by lot the person entitled to the office. Certificates of election shall be given by the Township Board of Canvassers to the persons elected to party offices, and the nomination of candidates for public offices shall be certified by the proper township or county canvassing board, as in case of nominations by conventions. (R. S. 1905, §6339j1.)

281. City or Town Officers.

10. In case of any primary election, preceding any general election in any city or town for the election of city or town officers only, any person desiring to be a candidate at such primary election shall file his application with the city or town clerk; and the duties of this act required to be performed by township and county officers and boards, shall be performed by corresponding city or town officers and boards. (R. S. 1905, §6339k1.)

282. Contest.

11. Any elector who had a right to vote for any candidate, at any such primary election, may contest the election of such candidate before the County Central Committee of the party to which the contestee belongs, which committee, in case of a contest, shall meet at the court house on the second Tuesday following such election and proceed summarily to hear and determine such contest, and its decision shall be final. The contestor, on or before the first Tuesday after such election, shall file with the Clerk of the Circuit Court his exceptions in duplicate, stating the grounds of the contest. The Clerk shall immediately publish notice of such contest in some newspaper of the county, send notice thereof by mail to each member of such central committee and cause a certified copy of such exceptions to be delivered to the contestee. For the purpose of such contest all papers returned by boards of elections shall be preserved until such contests are decided. (R. S. 1905, §6339l1.)

283. Repeal.

12. All laws and parts of laws in conflict with this act are hereby repealed.

CHAPTER 7.

SCHOOL COMMISSIONERS.

SEC.
284. Board of School Commissioners.
285. Qualifications of members.

SEC.
286. Term of office—Nominations.
287. Organization of first Board.

[1899, p. 434. Approved and in force March 4, 1899.]

284. Board of School Commissioners.

1. The government of common schools in cities of one hundred thousand or more inhabitants, according to the last United States census, shall be vested in a Board of School Commissioners, which shall consist of five School Commissioners. The said Board of School Commissioners shall have and exercise all the powers now conferred by an Act of the General Assembly of this State, approved March 3, 1871, entitled "An Act providing for a general system of common schools in all cities of thirty thousand or more inhabitants, and for the election of a Board of School Commissioners for such cities and defining their duties and prescribing their powers, and providing for common school libraries within such cities," and all acts amendatory thereof and supplemental thereto; and also all powers now conferred by law on Boards of School Commissioners in cities of thirty thousand or more inhabitants, according to the United States census of 1870, as well as the powers now conferred by law on Boards of School Commissioners in cities of one hundred thousand or more inhabitants, except as otherwise herein provided. And said Board of School Commissioners provided for by this act shall assume, pay and be liable for all the indebtedness and liabilities of Boards of School Commissioners heretofore elected under the above described acts. (R. S. 1901, §3904x.)

285. Qualifications of Members.

2. The members of such Board of School Commissioners shall be at least twenty-five years of age, residents of the city, and shall have been such residents for at least three years immediately preceding their election. They shall be ineligible to any elective or appointive office under such Board of School Commissioners and under the government of such city while holding membership in said Board. They shall not be interested in any contract with or claim against the school city in which they are elected, either directly or indirectly. If at any time after the election of any member of said Board, he shall become interested in any such contract with or claim against said school city, he shall thereupon be dis-

qualified to continue as a member of said Board, and a vacancy shall thereby be created. Every member of said Board shall, before assuming the duties of his office, take an oath before some one qualified to administer oaths that he possesses all of the qualifications required by this Act, that he will honestly and faithfully discharge the duties of his office, that he will not, while serving as a member of such Board, become interested, directly or indirectly, in any contract with or claim against said school city, and that he will not be influenced during his term of office by any consideration of politics or religion or anything except that of merit and fitness in the appointment of officers and the engagement of employes. No compensation shall be received by members of the Board, but they shall be exempt from jury duty during their term of office. (R. S. 1901, §3904y.)

[Acts 1903, p. 5. Approved January 29, 1903.]

286. Term of Office—Nominations.

3. The said Board of School Commissioners shall be elected, except as specified in Section four of this act, on a general ticket for the term of four years, by the voters of such city qualified to vote at its city elections. The members of such Board shall be elected at the regular city election of such civil city, and shall be taken from the city at large without reference to districts, and such elections shall be held under the provisions of the general laws governing such city elections, so far as they are not inconsistent with the provisions of this act. The expense of such election, except that of printing the ballots, shall be borne by the civil city. Not later than forty days before any election for members of the Board of School Commissioners, provided for in this act, householders of said city may present names of candidates for election as members of said Board of School Commissioners by filing the nominations in the office of the comptroller of said city in the manner following: Each candidate shall be proposed in writing by not fewer than three hundred householders of said city. No more than one candidate may be named in any one petition and no person may sign more than one petition for any one election. Upon the filing of such petitions in the office of the comptroller, as aforesaid, the comptroller shall place the same in the public files of his office and for five days, the last of which shall be not less than thirty days before the election, he shall publish the names proposed in two daily newspapers of the city, and at the time required by law shall certify such nominations to the regular Board of Election Commissioners for said city election. Any one thus nominated may withdraw his nomination by a written declination filed with the comptroller before the certification of the same as aforesaid. The comptroller shall not certify or publish the name

of any candidate who shall appear to be ineligible under the provisions of Section 2 of this act. The election commissioners shall prepare ballots the color and quality of whose paper shall be the same as that of the regular city ballots. The ballots so prepared shall contain the names of all such candidates arranged in alphabetical order in columns according to the following method. The names of candidates for each term shall be printed in a separate column, those for the regular term in the first column and those to fill vacancies in the second column, and such names shall be printed upon the ballots in rotation in such manner, as nearly as possible, that the name of each candidate shall appear at the head of the column for his term, whether the regular or the vacancy term, as often as that of any other such candidate shall so appear, and in the second place a like number of times, and so on. In printing the ballots, the positions of the several names shall be changed as many times as there are candidates to be voted for. In changing the positions, the printer shall take the name at the head of the column and put it at the foot, raising the remainder of the column so that the name that was second before the change shall be first after the change. After the ballots are printed they shall be kept in separate piles, one pile for each change of position, and then gathered by taking one from each pile and placing it upon the pile to be blocked in such a way that every block of one hundred ballots (and all ballots shall be sent out in blocks of one hundred each) shall have as nearly as possible an equal number of ballots of each kind, and the name of each candidate thereon shall appear severally in first, second, third and fourth place, and so on, upon the several ballots an equal number of times with each of the other candidates for the said term. There shall be nothing on the face of said ballots except as otherwise provided herein and except the names of the candidates and the respective terms for which they are candidates, together with a square in front of each name and a statement at the head of each column of the number of candidates for that term for whom the elector may vote, and that the elector shall indicate his choice by marking a cross in the square opposite the name of each candidate for whom he votes, and not elsewhere. Such ballots shall be voted at the regular city election and deposited in a separate ballot box to be provided for the purpose. Each elector may vote for as many candidates as there are members to be elected by marking a cross in the square opposite the name of each candidate for whom he votes. No election officer, challenger, or poll-book holder shall indicate to any elector offering himself to vote what he believes or understands to be the political affiliation of any candidate for School Commissioner. The candidates, in number equal to the number of members to be chosen, for the respective terms for which they shall

have been nominated, who have the highest number of votes of those cast for such term, shall be declared elected. If at any election a member is to be chosen to fill a vacancy and to serve out an unexpired term, candidates may be chosen as above provided, but they shall in all cases be nominated or proposed for such vacancy and designated in the petition and on the ballot as candidates to fill such vacancy, and the date of the expiration of the unexpired term shall be stated. The vacancies in said Board of School Commissioners shall be filled temporarily by the Board as soon as practicable after such vacancy occurs. Such member so chosen shall hold office until his successor be elected and qualified. His successor shall be elected at the next regular city election, when the vacancy shall be filled for the remainder of the term. Any person violating any of the provisions of this section shall be fined upon conviction in any sum not exceeding two hundred dollars. (R. S. 1905, §3656.)

287. Organization of First Board.

4. At the city election occurring on the second Tuesday of October, 1899, five members of the Board of School Commissioners shall be elected to serve as herein provided. They shall assume office on the first day of January, 1900, and shall meet at the office of the present Board of School Commissioners of such city at twelve o'clock noon, and shall proceed to organize. Within one week after the organization of said elected Board they shall meet to divide themselves by lot, in such manner as they shall determine, into two classes, as follows: The first class, consisting of three members, shall hold office through the 31st day of December, 1901. The second class, consisting of two members, shall hold office through the 31st day of December, 1903. Thereafter, regular elections of members of the Board of School Commissioners shall occur at the regular city elections, held on the second Tuesday of October of each alternate year. In the year 1901, and every fourth year thereafter, three members shall be elected. In the year 1903, and every fourth year thereafter, two members shall be elected. (R. S. 1901, §3904a1.)

NOTE—The remainder of this act has nothing to do with the election of School Commissioners or their qualifications.

CHAPTER 8.

CITY AND TOWN ELECTIONS.

SEC.		SEC.	
288.	Survey and map.	304.	Vacancy in board.
289.	Census.	305.	Dissolution proceedings.
290.	Survey, map and census made public.	306.	Unions of adjoining cities or towns—Procedure.
291.	Application to County Commissioners.	307.	Eligible to office.
292.	Hearing and order.	308.	Eligible to vote.
293.	Notice to voters, County Auditor.	309.	Voting precincts.
294.	Polls, how long open.	310.	Petition, census.
295.	Election Board.	311.	Election board, duties, ballots, returns.
296.	Election, effect, expenses.	312.	Town becomes city, wards, terms of office.
297.	Ward boundaries.	313.	City officers, terms, jurisdiction, successors.
298.	Corporation, election notice.	314.	City judge, election, term, etc., jurisdiction.
299.	Election inspectors.	315.	Water works, gas works, etc., bonds, public utilities, elections.
300.	Election precincts.		
301.	Elective officers, terms.		
302.	When elected, tie vote, certificate.		
303.	Clerk Circuit Court, record fee.		

[Acts 1905, p. 219. Approved March 6, 1905.]

288. Survey and Map.

1. That persons intending to make application for the incorporation of a town, as hereinafter provided, shall cause an accurate survey and map to be made of the territory proposed to be embraced within the limits of such town. Such survey shall be made by a practical surveyor, and shall show the courses and distances of the boundaries of such territory, and the quantity of land contained therein; and the accuracy of the survey and map shall be verified by the affidavit of the surveyor, written thereon or attached thereto. (R. S. 1905, §3767.)

289. Census.

2. Such persons shall also cause an accurate census to be taken of the resident population of such territory, as it may be on some day not more than thirty days previous to the time of presenting such application to the Board of Commissioners, as hereinafter provided; which census shall exhibit the name of every head of a family residing within such territory on such day, and the number of persons then belonging to every such family; and the census shall be verified by the affidavit of the persons taking the same. (R. S. 1905, §3768.)

290. Survey, Map and Census Made Public.

3. Such survey, map and census, when completed and verified, shall be left at some convenient place within such territory, for examination by those having an interest in the organization of such town, for a period of not less than twenty days before the

presentation of the application to the Board of Commissioners of the county. Notice of the intention to present such application and of the place where the same is left for examination, shall be given by publication once in some newspaper published within such territory, if any there be, and, if not, by posting in three public places therein, which notice by publication or posting shall be given not less than twenty days before the first day of the regular session of the Board of Commissioners at which such application is to be presented. (R. S. 1905, §3769.)

291. Application to County Commissioners.

4. Such application shall be by petition to the Board of Commissioners of the county in which such territory or the greater part thereof is situated, which petition shall be subscribed by not less than one-third of the whole number of the qualified voters residing within such territory, as shown by such census. The petition shall set forth the boundaries of the territory, the quantity of land embraced therein and the resident population, and shall be duly verified by one or more of the petitioners. Such petition, together with the survey, map and census, shall be filed with the county Auditor at or before the time indicated in the notice of application, and shall by such Auditor be presented to such county board, and be acted upon by the board as soon thereafter as the same can be considered. (R. S. 1905, §3770.)

292. Hearing and Order.

5. The Board of Commissioners, in hearing such application, shall first require proof that the survey, map and census were subject to examination in the manner and for the time required by Section three of this act, and that the notice in said section prescribed was duly given; and if such Board be satisfied that the requirements of this act have been fully complied with, it shall make an order declaring that such territory shall, with the assent of the qualified voters thereof, as hereinafter provided, be an incorporated town, by the name specified in such application, provided such name differ from that of every other town in the State; and the Board shall include in such order a requirement for notice of a meeting of the qualified voters resident in the territory, at a convenient place therein, to be named by the Board, and on a day within one month after such order, to determine whether such territory shall be an incorporated town. (R. S. 1905, §3771.)

293. Notice to Voters—County Auditor.

6. The county Auditor, in pursuance of such order of the Board, shall give ten days' notice of such meeting of the electors, by publication in a newspaper, if one be printed in such territory;

and, if not, by posting copies of such notice in not less than ten public places in such proposed incorporated town, at least ten days before such meeting. (R. S. 1905, §3772.)

294. Polls—How Long Open.

7. At the meeting of the qualified voters, as herein provided, polls shall be opened at nine o'clock in the forenoon of such day, and shall be kept open until four o'clock in the afternoon, when they shall be closed. (R. S. 1905, §3773.)

295. Election Board.

8. The voters at such meeting shall first proceed to the election of three of their number as inspectors. Such inspectors, after being duly chosen and qualified, and after having selected one of their number as clerk, shall, without delay, proclaim to the meeting that the polls are open, and that they are ready to receive the ballots of the voters. (R. S. 1905, §3774.)

296. Election—Effect—Expenses.

9. The qualified voters of such territory shall vote by ballots having thereon the word "Yes" and the word "No." The Inspectors shall make a statement showing the vote as in case of other elections, and shall return the same to the county Auditor, to be laid before the Board of Commissioners at its next regular or adjourned session, or at any session called for that purpose. If the Board be satisfied of the legality of the election, and that a majority of the ballots are in favor of incorporation, it shall make an order declaring that such town has been incorporated by the name adopted, which order shall embrace a copy of the Inspectors' return and be conclusive of such incorporation in all suits by or against such corporation: and the existence of such town, by the name and style aforesaid, shall thereafter be judicially taken notice of in all courts and places in this State, without specially pleading or proving the same. If the Commissioners find that a majority of the ballots are against incorporation they shall so declare, and no further proceedings shall be had in relation to such matter. An appeal may be taken to the Circuit Court from the action of the Board declaring or refusing to declare that such town has been incorporated. In case the town is not incorporated, all costs and expenses, including expenses of election and appeal, if any be had, shall be paid by the petitioners, who on filing their application shall also file a bond, payable to the State of Indiana for the use of Board of Commissioners of the county, and to the approval of such Board, conditioned for the payment of all such costs and expenses. In case the town is incorporated, all such costs and expenses shall be paid by the town. (R. S. 1905, §3775.)

297. Ward Boundaries.

10. Such Inspectors, when such town has been by the county board declared incorporated, shall at once proceed to divide the town into not less than three, nor more than seven wards, having due regard to the equitable apportionment of population among the same, and the convenience and contiguity of the wards. Thereafter the Trustees of any town incorporated under this act, may at any time sixty days or more preceding the election for town officers, redistrict the town in like manner. (R. S. 1905, §3776.)

298. Corporation Election—Notice.

11. After such town has been divided into wards, the Inspectors shall immediately give ten days' notice, by publication in a newspaper, if one be printed within such town, or, if there be no newspaper, by posting such notice in one public place in each ward, of an election to be held in such town, for the purpose of electing officers thereof, naming in such notice the place where and the day when such election shall be had. Such place shall be at some convenient location in the town and such day shall be within twenty days from the publication or posting of such notice. Every subsequent notice of election shall be given, in like manner, by the clerk of the town. (R. S. 1905, §3777.)

299. Election Inspectors.

12. Inspectors shall preside at such first election, and be Inspectors thereof. They shall receive and canvass the votes, and shall immediately thereafter, and before adjourning, declare the election of the officers so chosen, deliver to such officers certificates of their election, and make out and file with the Clerk of the Circuit Court of the county in which such town is situated the certified statement of election provided for in Section fifteen of this act. At all subsequent town elections one Inspector for each voting precinct shall be appointed by the Board of Town Trustees, and the judges and other officers of each election board shall be selected as provided by law for the selection of the officers of township election boards. (R. S. 1905, §3778.)

300. Election Precincts.

13. In town elections, after the first election, the election precincts shall, so far as practicable, be the same as those fixed for general elections; and the opening and closing of the polls and all other matters relating to such town elections shall be conducted in conformity with the provisions of the general election laws applicable thereto. (R. S. 1905, §3779.)

301. Elective Officers—Terms.

14. The elective officers of every town shall be one Trustee from each ward; and also a Clerk and Treasurer for the town at large: Provided, That each Trustee shall be voted for by all the electors of the town, but shall be a resident of the ward for which he is elected: And provided further, That nothing herein contained shall prevent the respective offices of Clerk and Treasurer from being held by the same person. The officers chosen at the first election, hereinbefore provided for, shall hold their offices until the first Monday of January following the next regular town election, and until their successors are elected and qualified. On the first Tuesday after the first Monday in November, in the year 1905, and on the same day every four years thereafter, there shall be held an election in each town in this State for the election of the elective officers of such town; and there shall be no election in any town prior to that date, save only the first town election provided for on the organization of towns. The officers elected on the first Tuesday after the first Monday in November, 1905, shall hold their respective offices from the termination of the terms of their respective predecessors until the hour of twelve o'clock noon of the first Monday in January, 1910; and they shall be ineligible to be re-elected, respectively, to the same offices at the election to be held on the first Tuesday after the first Monday in November, 1909. At the expiration of the terms of the present incumbents as elected by the law heretofore in force, and following the election and qualification of the officers elected at such regular town election on the first Tuesday after the first Monday of November, 1905, all town officers then in office shall forthwith turn over their respective offices to their successors so elected and qualified, together with all papers, property and effects in their custody as such town officers, and shall thereupon vacate such offices, and the terms of such new officers shall continue until 12 o'clock at noon of the first Monday of January, 1910, and thereafter, the terms of all town officers elected at any regular election shall begin at noon on the first Monday of January following their election and qualification, and shall continue four years thereafter; and every such officer shall be ineligible to re-election to the same office in any period of eight years. In all towns of the State of Indiana where by law heretofore in force an election for such elective town officers would occur prior to the election in November, 1905, hereinbefore provided for, such prior elections shall not be held and the present officers of such towns shall continue in office until 12 o'clock at noon on the first Monday in January, 1906, at which time the terms of such officers shall terminate and the terms of the officers elected under the provisions of this act shall begin. (R. S. 1905, §3780.)

302. When Elected—Tie Vote—Certificates.

15. The persons in each ward receiving the greatest number of votes as Trustees of such wards, respectively, shall be declared elected as such Trustees; and the persons receiving the greatest number of votes, respectively, for Clerk and Treasurer, as designated by the ballot for such office, shall be declared so elected. And if two or more persons shall have an equal and the highest number of votes for any of such offices, the Inspectors of such election shall forthwith determine, by lot, which of them shall be declared elected. And it shall be the further duty of such Inspectors to make a certified statement, over their own signatures, of the persons elected to fill the several offices in such town, and to file the same with the Clerk of the Circuit Court of the county, within ten days from the day of such election. And no act or ordinance of any Board of Trustees chosen at any such election shall be valid until the provisions of this section are substantially complied with. (R. S. 1905, §3781.)

303. Clerk Circuit Court—Record—Fee.

16. It shall be the duty of the Clerk of the Circuit Court of the proper county forthwith to make a record of such certified statement of election; for which service there shall be paid the same fee as allowed for similar services of such clerks in other cases. (R. S. 1905, §3782.)

304. Vacancy in Board.

17. A vacancy occurring in the Board of Town Trustees, or in any other elective office of such corporation, shall be filled by appointment, at a special meeting of the Trustees called for that purpose; but such appointment, if to fill a vacancy in the office of Trustee, shall be made from the ward in which the vacancy occurred, and no appointment shall extend beyond the first Monday of January following the next regular election provided for in this act. (R. S. 1905, §3783.)

DISSOLUTION OF TOWN OR CHANGE OF NAME.**305. Dissolution Proceedings.**

22. Whenever a petition, signed by not less than two-thirds of all the legal voters of any incorporated town, is presented to the Board of Trustees of such town, duly sworn to by one or more of such petitioners, asking for the dissolution of the corporation, or for the change of its name, and in such petition setting forth the reasons therefor, the Trustees shall, if they deem the reasons stated sufficient, cause an election by the legal voters of the town

to be held, to determine whether the prayer of the petition shall be granted. Such petition shall be filed with the town Clerk, and the petitioners shall also file therewith a census of all the legal voters of the town, which shall be taken within ten days prior to the filing of the same and shall embrace only the names of such legal voters as may reside therein at the time the census is taken. The person taking such census shall attach thereto his affidavit that the same is correct. On the filing of such petition and census, the Clerk shall give notice of such filing and of the day of hearing the same; which notice shall be by publication twice in a newspaper of general circulation printed in such town, the last of which publications shall be not less than ten days before such hearing; and if there be no newspaper printed in the town, then in a newspaper published at the county seat of the county in which such town is located, and by posting copies thereof in at least one public place in each of the wards of such town. The Board of Trustees shall, at the time named in such notice, hear and consider such petition and census, and shall also consider all statements, oral and written, that may be presented at such meeting both in favor of and in opposition to the granting of such petition. Thereupon the Board shall determine whether the reasons advanced by such petitioners are sufficient to justify the submission of the question of dissolution or change of name to the voters of the town for their decision. Any voters who signed the petition may, before such determination by the Board, withdraw their names therefrom, and no names so withdrawn shall be counted by the Trustees in ascertaining whether the petition has been signed by the number of voters required by this section. If the Board finally determine to submit the question as to the dissolution or change of name of such corporation to the voters of the town for their decision, it shall fix the time of holding an election for that purpose, of which election the Clerk shall give at least twenty days' notice, which notice as to publication and posting shall be given in the manner hereinbefore provided for notice of the filing and hearing of such petition. Such election shall be held in the several precincts of such town and return thereof made to the Board of Trustees as in case of other elections. The voters shall vote by ballot on the question so submitted to them, "Yes" or "No." If two-thirds of all the votes so cast shall be in the affirmative, and four-fifths of all the legal voters of the town, as shown by the census taken, shall have voted, the question so submitted shall be regarded as determined in the affirmative; and, within four days after the canvass of the vote by the Trustees, a statement of all the votes cast at the election, affirmative and negative, shall be prepared by the Town Clerk, signed by the Trustees and attested by the Clerk, and filed in the

office of the Clerk of the Circuit Court of the county in which such town is situated. If the vote be in favor of a change of name, the name of the town shall be changed, accordingly, from and after the expiration of thirty days from the date of filing such report in the office of the Clerk of the Circuit Court. If the vote be in favor of a dissolution of the corporation, such town shall, at the expiration of six months from the filing of such report in the office of the Clerk of the Circuit Court, cease to be a corporation; and the property owned by the corporation, after payment of debts and liabilities, shall be disposed of in such manner as a majority of the voters of the town, at any special election therefor, may direct; but no such dissolution shall affect the rights of any person in any contract to which such corporation is a party. In case the prayer of the petition shall not be granted, all costs and expenses incurred thereby, including the expenses of such election, if held, shall be paid by the petitioners, who, on filing their petition and census shall give a bond, payable to the Board of Trustees, to the approval of the Board, and in such sum as the Board may direct, for the payment of all such costs and expenses. Any person aggrieved by the action of the Board of Trustees on such petition and census, or the result of such election, may appeal to the Circuit Court of the county in which such town is situated, within thirty days therefrom, by giving to the Board written notice of such appeal and by filing with the Town Clerk a bond, with surety to the approval of the Board, in the sum of five hundred dollars, conditioned that such appeal will be duly prosecuted and all costs thereof be paid if the appeal be decided against such appellants. The Clerk shall thereupon file in the office of the Clerk of the Circuit Court a transcript of all proceedings, together with all papers in the case, and no further action shall be taken by the Board until such appeal be heard and determined. Such appeal shall be heard by the Circuit Court without a jury. There may be a change of venue from the judge, but not from the county. (R. S. 1905, §3788.)

306. Union of Adjoining Cities or Towns—Procedure.

241. Where a city and a town, or two cities, or two towns, adjoin each other, they may be united provided a majority of the qualified voters voting on such question of union, in each of such adjoining corporations, shall vote in favor of such union. The Common Council of such city and the Board of Trustees of such town, or the Common Councils of such cities, or the Boards of Trustees of such towns, as the case may be, shall, by a resolution, passed by each Council or Board, first agree on the terms upon which such union shall take place, including the name by which the united corporation shall be known and the day upon which an

election for the purpose shall be held in each of the adjoining municipalities. Notices of such agreement shall be given at least twenty days before the time fixed for such election, by publication of the same for two weeks successively, once each week, in each newspaper published in each of such corporations, and by posting printed copies thereof in one or more public places in each ward of each of such corporations. Such election shall be held in the voting precincts of each of such corporations, as other city and town elections are held. The ballots for such election shall have thereon the words "Yes" and "No," and those electors favoring such agreement shall vote "Yes," and those opposed, "No;" and the election boards shall report to their respective Common Councils or Boards of Trustees the result of such election. A certified copy of the result of the election in each corporation shall be filed with the Common Council or Board of Trustees of the other corporation; and if a majority of the electors, voting on such question in each of such corporations, vote in favor of such union, then the two corporations shall be united in accordance with the terms of the agreement theretofore entered into; and a duly certified copy of such agreement, and of the result of such election, shall be filed in the office of the Recorder of the county or counties in which such united corporation is situated, signed by the Mayor or presiding officer and attested by the Clerk and sealed with the seal of each of such constituent corporations; and copies of such record shall be received in all courts and places as conclusive of such union of such corporations under the name so agreed upon. In case of such union, the new corporation shall be liable for all the debts, contracts and liabilities of the constituent corporations, and shall be entitled to all the rights, credits, moneys, effects and properties theretofore had, held or owned by them or either of them, and may sue and be sued in relation to such debts, contracts, liabilities, rights, credits and properties by the name adopted on such union. But all actions pending at the time of such union shall be prosecuted to final judgment and execution, and all judgments theretofore rendered may be executed and enforced against the new corporation, without any change of the name of the plaintiff or defendant. (R. S. 1905, §3716.)

307. Eligible to Office.

229. No property qualifications shall be necessary to render any citizen eligible to hold any office of any municipal corporation in this State. (R. S. 1905, §3704.)

308. Eligible to Vote.

230. In all municipal elections, no other qualifications shall be required of any voter than such as are made necessary in gen-

eral elections under the Constitution and laws of the State. (R. S. 1905, §3705.)

309. Voting Precincts.

231. In city and town elections, except as provided in Sections ten, eleven and twelve for the first town election, the voting precincts shall, so far as practicable, be those established by the County Commissioners, and the elections shall be conducted under the laws in force for general elections. (R. S. 1905, §3706.)

310. Petition—Census.

38. Whenever one-third of the voters of any incorporated town, so far as the number can be estimated, shall petition the Board of Trustees thereof to be incorporated as a city under this act, such Board of Trustees, by an order or resolution to that effect entered on its record, shall furnish the marshal or other proper officer with the necessary forms for taking, and direct him to take, a census of all persons who are residents within the corporate limits of such town at least forty days previous to the date of such order or resolution: Provided, however, That if it shall appear to such Board of Trustees by the last census of this State or of the United States, or by any enumeration made by the order of such Board of Trustees, within two years after the filing of such petition, that such town then has two thousand five hundred inhabitants, such Board of Trustees shall be at liberty to proceed in all respects as if such census had been taken in the manner provided by this act. Such marshal or other officer, with the concurrence of such Board may appoint assistants, and shall, within thirty days from the time of receiving such order, make full return, under oath, to such Board of the resident population of such town. If the return show a population of two thousand persons or more, the Trustees, within ten days thereafter, shall publish a notice to the voters, as in case of other town elections, stating that, on a day named, an election will be held in the several precincts of the town, to determine whether the same shall be incorporated as a city. In towns which are governed by a Common Council, instead of a Board of Trustees, the duties in this act required to be done by the Board of Town Trustees shall be performed by such Common Council. (R. S. 1905, §3462.)

311. Election Board—Duties—Ballots—Returns.

39. The Board of Trustees shall appoint three reputable voters in each precinct, one to act as Inspector and two as Judges of election provided for in the preceding section; and the persons thus appointed shall choose a Clerk of such election. Such election shall be conducted in the same manner and be governed by

the same rules as other town elections. The ballots of the voters shall have thereon the word "Yes" and the word "No." The Inspector and Judges of each precinct shall make a statement showing the number of affirmative votes given and the number of negative votes given; and, on the day succeeding such election, at the hour of ten o'clock in the forenoon, the Inspectors shall meet and canvass the vote, as in other cases. If a majority of the ballots be in the negative the Inspectors shall so report to the Board of Trustees, and the voters of such town or city shall be deemed not to have consented to its incorporation as a city, and no further proceedings shall be had in relation thereto. But if a majority of such ballots shall be in the affirmative, the Inspector shall, within five days, certify that fact to the Clerk of the Circuit Court of the county in which such town is located, showing also in their return the number of votes in the affirmative and the number in the negative. The Clerk of such court shall make a record of such return of such election in the civil order book of such court; and such town shall thereafter be deemed an incorporated city, with the powers and franchises appertaining thereto; and the record in the office of such Clerk of the Circuit Court shall be held in all courts and places as conclusive evidence of such incorporation. But nothing herein shall prevent any person interested from contesting the validity of such election, and of the result thereof, as in other cases of contested elections. (R. S. 1905, §3463.)

312. Town Becomes City—Wards—Terms of Officers.

40. Within five days after the filing in the office of the Clerk of the Circuit Court of the statement showing that any town has been incorporated as a city, the Trustees of such town shall divide such city into not less than three wards, none of which shall contain less than three hundred inhabitants; and shall, within the same time, cause to be given to the voters of such city ten days' notice, by publication in one or more newspapers printed in such city, if any there be, and, if not, in a paper published in the county in which such city is situated, and by posting copies of such notice in three public places in each ward of such city, that an election will be held in each of such wards on a day and at the places in such notice stated for the election of the city officers therein named. The officers elected at such election shall serve until twelve o'clock, noon, of the first Monday in January following the next regular city election thereafter. The Common Council of any city of this State shall have power to redistrict such city into three or more wards, whenever in the judgment of such Council it is expedient to do so, such wards to contain, as near as possible, an equal number of inhabitants and to be composed of com-

pact and contiguous territory: Provided, That the wards of each city shall remain in number and boundaries the same as now existing until the year 1907; and thereafter no readjustment or fixing of the boundaries of the wards of any city shall occur oftener than once in a period of six years, unless the same be made necessary by the annexation of new territory, in which case such readjustment of wards and boundaries, whenever made, shall be done by ordinance, passed by a two-thirds vote of all the members of the Common Council; and no such ordinance for change in wards shall be passed before notice first given by publication for three successive weeks, once each week, the last of which publications shall be at least thirty days before any city election, in a newspaper of general circulation printed in such city, in which notice the proposed numbers and boundaries of the wards shall be plainly stated and described. (R. S. 1905, §3464.)

313. Officers—Terms—Jurisdiction—Successors.

43. The elective officers of the cities of this State shall consist of a Mayor, a City Judge, a City Clerk, a City Treasurer, and Councilmen as hereinafter provided: Except, however, first, that, in every city of the first, second or third class, which is the county-seat of the county in which such city is located, the County Treasurer of such county shall perform all the duties of City Treasurer; and, second, that, in cities of the fifth class, the powers and duties of City Judge shall devolve wholly upon the Mayor. On the first Tuesday after the first Monday in November, in the year 1905, and on the same day every four years thereafter, there shall be held a city election in every city of this State for the election of the elective officers of such city, and there shall be no election in any city prior to that date, except the first city election in case of the organization of a city, as provided in Section forty of this act. At such general election there shall be elected, in every city, a Mayor and a City Clerk; in cities of the first, second, third and fourth classes, there shall likewise be elected a City Judge; and in every city of the first, second or third class, which is not a county seat, and in every city of the fourth and fifth classes, there shall be elected a City Treasurer. At such election there shall also be elected, in each ward, one Councilman; and the whole city shall elect, at large, half as many additional Councilmen, not counting fractions, as there are wards in such city: Provided, That in no case shall the number of Councilmen at large in any city be more than six nor less than two. The officers elected on the first Tuesday after the first Monday in November, 1905, shall hold their respective offices from the termination of the terms of their respective predecessors until the hour of 12 o'clock noon

of the first Monday in January, 1910; and they shall be ineligible to be re-elected, respectively, to the same offices at the election to be held on the first Tuesday after the first Monday in November, 1909. Thereafter all elective city officers shall serve four years from the hour of twelve o'clock at noon, on the first Monday of January following their election; and, except in case of Councilmen, shall continue to serve until their successors are elected and qualified. No person shall be eligible to any city office unless he shall have been a resident of such city for at least one year, immediately preceding his election, nor shall any person be eligible to the office of Councilman to represent any ward unless for the last six months of his residence in such city he shall have been a resident of such ward; and should any city officer cease to be a resident of such city, or any Councilman representing any ward cease to be a resident of such ward, during his term of office such office shall thereby at once become vacant. No person elected under the provisions of this act shall be eligible to hold the same elective office more than four years in any period of eight years. All city elections shall be held, and returns thereof made, certificates issued and contests had, in conformity with the general election laws of this State: Provided, That the Board of Canvassers of any such election shall assemble at the Council Chamber of the city to determine the vote and announce the result on the day following the election, at ten o'clock in the forenoon of such day. Prior and up to the first Monday of January, 1906, the respective officers of all cities in this State elected or appointed under laws heretofore in force, shall continue to serve as such officers under the provisions of this act, so far as applicable: Provided, That any such officer required to give a bond by any former law shall at the taking effect of this act give such bond for the period expiring at such date, in such sum, and to be approved, as required by such former law. All laws now in force for the government of such cities, where the same are not in conflict with the provisions of this act, shall continue in force until said date; and all ordinances, rules and regulations of any such city, duly passed and adopted under such former laws, except as herein provided, and not in conflict with the provisions of this act, shall continue in full force and effect until repealed or abolished. In case any city, prior to the election and qualification of the officers of such city under the terms of this act, shall have commenced any proceedings or undertakings of a public nature which shall have been lawfully commenced or undertaken, the same shall not be interrupted by the passage of this act, but shall be taken up and carried forward by the proper officer or department as prescribed in this act; except that in case of public improvements of any kind, whether of sewers, streets, alleys, levees, parks, public buildings, or any other

matter of an executive nature, in which a contract has not, prior to the taking effect of this act, been actually let and entered into, the executive department having charge of such matter shall not be bound, unless it so elects, by the previous proceedings, but may review the whole subject and modify, change or rescind all orders previously made in that behalf. In all cities of the State where by law heretofore in force an election for such elective city officers would occur prior to the election in November, 1905, hereinbefore provided for, such prior elections shall not be held and the present officers of such cities shall continue in office until 12 o'clock, at noon, on the first Monday in January, 1906, at which time the terms of such officers shall cease and terminate and the terms of the officers elected under the provisions of this act shall begin. (R. S. 1905, §3467.)

314. City Judge—Election, Term, Etc.—Jurisdiction.

216. The City Judge shall be elected by the legal voters of such city, at the same time and in the same manner as the other city officers are elected, for the term of four years and until his successor is elected and qualified. His term of office shall begin at twelve o'clock, noon, on the first Monday of January following his election; except that any City Judge elected at the election to be held in November, 1905, shall, as in the case of other officers then elected, hold only from the expiration of the term of his predecessor and until the first Monday in January, 1910. Before entering upon the discharge of his duties he shall execute a bond, payable to such city in the penal sum of five thousand dollars, with good and sufficient surety, to be approved by the Mayor and filed in the office of the City Controller, conditioned for the faithful discharge of the duties of his office. He shall hold daily sessions of the city court, Sundays excepted, at a place to be provided and designated by the Common Council. He shall have and exercise within the county in which such city is located the powers and jurisdiction now or hereafter conferred upon Justices of the Peace in all cases of crimes and misdemeanors, except as otherwise provided. He shall have exclusive jurisdiction of all violations of the ordinances of such city. He shall also have original concurrent jurisdiction with the Circuit Court or Criminal Court in all cases of petit larceny and all other violations of the laws of the State where the penalty provided therefor can not exceed a fine of five hundred dollars and imprisonment in the jail or workhouse not exceeding six months, or either or both: Provided, That such City Judge, in any case brought before him charging any person with a crime or misdemeanor, if in the opinion of such judge, the punishment which he is authorized to assess is not adequate to the offense, may so find, and in such case he shall hold such pris-

oner to bail for his appearance before the proper court, or commit him to jail in default of such bail. (R. S. 1905, §3641.)

315. Water Works, Gas Works, Etc.—Bonds—Public Utilities—Election.

249. Any city or town may determine to erect water works, gas works, electric light works or a heating or power plant, or any other works or public utilities provided for in Section ninety-three, clause eight of this act, or to purchase or lease any such works already constructed or in course of construction and owned by any person, corporation or company, together with all the property, rights and privileges connected therewith, and may also purchase, or lease, other lands for like purposes; and such city or town is hereby authorized, for the purpose of procuring means for erecting, extending, improving, purchasing or leasing any such works, and thus furnishing the inhabitants of such city or town with water for domestic and fire protection, or with light, power or heat, to issue the bonds of such city or town, in denominations not less than fifty nor more than one thousand dollars, payable at any place that may be designated in the bonds, the principal in not less than five years nor more than thirty years, and the interest annually or semiannually, at a rate not to exceed six per cent. per annum; and such city or town may, from time to time, negotiate and sell so many of such bonds as may be necessary for any of such purposes, in any place and for the best price, not less than par value, that can be obtained therefor: Provided, That the Common Council of any city or Board of Trustees of any town contemplating the building, extension, improving, purchasing or leasing of any such works, shall, before the approval of any such contract or resolution for such erection, purchase or lease, first submit the question to the qualified voters of such city or town, at a special or general election, of which election and the submission of such question thereat, notice shall be given for twenty days by publication for two weeks, once each week, in a newspaper of general circulation printed in such city or town, if any there be, and, if not, in a newspaper published in the county. Voters desiring such works may vote "For Water Works," "For Gas Works," "For Electric Light Works," "For Power Plant," or "For Heating Plant," as the case may be, or, if opposed, "Against Water Works," "Against Gas Works," "Against Electric Light Works," "Against Power Plant," or "Against Heating Plant," or for or against any other such works or public utilities, as the case may be; and if a majority of the voters on such question at such election be in favor of such works, such city or town shall have power to build, extend, improve or purchase any such works; and the Common Council or Board of Town Trustees shall thereupon, by ordinance, approve such contract or resolution. (R. S. 1905, §3724.)

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SAMPLE BALLOT.



DEMOCRATIC TICKET.

For Secretary of State,
JAMES F. COX.

DEM.

For Auditor of State,
MARION BAILY.

DEM.



REPUBLICAN TICKET.

For Secretary of State,
FRED A. SIMS.

REP.

For Auditor of State,
JOHN C. BILLHEIMER.

REP.



PROHIBITION TICKET.

For Secretary of State,
ABSOLEM L. CRIM.

PROH.

For Auditor of State,
WILLIAM H. KELLER.

PROH.

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